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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



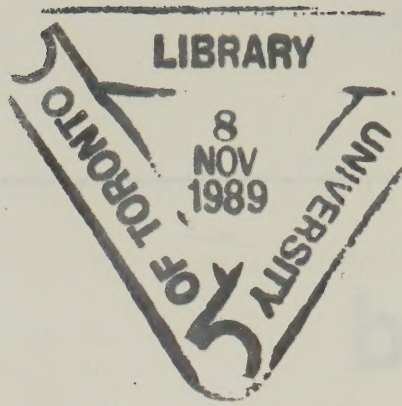
**First Session, 34th Parliament**  
Wednesday, December 7, 1988

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, December 7, 1988

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Farnan:** Recently I met with Brad Grimwood, president of the Cambridge Fire Fighters Association, and Paul Cutting, chairman of the safety committee of the Cambridge Fire Fighters.

Their concern is that firefighters in Ontario are wearing fire-protective clothing that is dangerously substandard. Patrick De Fazio, chairman of the safety committee of the Ontario Professional Fire Fighters Association, has made this government aware that protective clothing currently in use has caused severe burns to firefighters. It has resulted in firefighters going down at the scene of an emergency from severe heat exhaustion. It has also contributed to the death of firefighters in this province by way of heart attack.

The Canadian General Standards Board has completed a standard on fire-protective clothing, referred to as CAN/CGSB 155.1M88. The Minister of Labour (Mr. Sorbara) is in receipt of this Canadian standard and will be held accountable for any delay in implementing these recommended standards.

In order to protect our firefighters, I urge the Minister of Labour to ensure that these new safety standards with regard to fire-protective clothing are made mandatory. It is imperative that this government move as quickly as possible to bring about the type of protection required for our firefighters in this province.

### RETAIL STORE HOURS

**Mr. McCague:** I rise today to urge the government to provide some answers to the people of this province about shopping hours during the holiday season. Last week, one of my constituents phoned the office of the Solicitor General (Mrs. Smith) to get some clarification on whether it was legal or illegal to open a store on Boxing Day. However, officials in that office were unable to give a yes or no answer. He was told to call again. After several calls, he is still

unclear as to what is or is not within the law, and it seems to me he is not alone. Press reports today say that merchants across the province have no idea whether or not they will be breaking the law if they do open their doors on Boxing Day.

This government owes it to the business people of this province to give them clear direction about the law as it pertains to Boxing Day. They must make a decision now to avoid the chaos that will occur if this government continues to sit on the fence. If, in its wisdom, the government does decide that Boxing Day is a holiday, it is my hope that it will enforce the law fairly and without exception.

### SCHOOL OPENING EXERCISES

**Mr. McGuigan:** Some media editors and all of my constituents who have contacted me on this issue are of the opinion that the Lord's Prayer cannot be used in school opening exercises. The Ontario Court of Appeal did not bar the Lord's Prayer, nor did the Minister of Education (Mr. Ward) in his letter of advice to school boards. The minister said that the Lord's Prayer may be included but that no prayer should be given a position of primacy. Perhaps the word "may" has created some confusion.

Common sense would suggest that in the predominantly Christian community, such as one finds in most of the small towns in rural Ontario, the Lord's Prayer would be included and, to meet with the spirit of the court ruling, readings and prayers from other religions representative of the student population would also be included on a rotational basis. There would be recognition of the multifaith, multicultural tradition of Ontario, and no prayer would be given primacy where more than one religion is demanded.

The court decision recognizes the religious diversity that exists among students and their families. Surely we should also recognize that there are communities in Ontario that do not have as wide a religious base as is the case in our major cities. I believe the court decision can be interpreted by men and women of goodwill to serve all the communities and individuals of Ontario.

I call upon the minister and directors of education to be creative and sensitive on this issue.



## SOCIAL ASSISTANCE

**Mr. Allen:** The Minister of Community and Social Services (Mr. Sweeney), the Treasurer (Mr. R. F. Nixon) and the Premier (Mr. Peterson) miserably failed the province yesterday when they failed to respond to the Thomson report's proposals for a simpler, fairer social assistance system and more effective programs for helping the poor to become independent, self-supporting persons.

Social assistance rates equal to 1975 and minimum wages of less value than a decade past are a sure formula to keep the poor poorer and the welfare recipient on welfare. Yet there is not one sign that even the simpler proposals of the first stage of reforms proposed by Thomson will get to first base, such as eliminating the 120-hour limit on paid employment for sole-support parents on family benefits, increasing basic earnings exemptions and lowering the tax-back rate—only a few of the steps the minister could now be taking to encourage the transition to work.

The excuse that the government cannot afford the interim social assistance increases proposed by Thomson is patently false and a gigantic copout. The provincial cost for the balance of this fiscal year would be \$50 million. The government even now has an accumulation in unspent accounts of \$184.8 million in the Board of Industrial Leadership and Development and technology fund budgets alone. By failing to act now, the government is signalling that it will not act later.

What a gigantic hoax this whole enterprise has become. What an unprincipled fraud by the minister and the government. What a cruel betrayal of the most vulnerable of Ontario's citizens.

[Later]

**Mr. Dietsch:** On a point of order, Mr. Speaker: I would appreciate if you would review the statement that was just made by the member for Hamilton West (Mr. Allen) to see whether the language used was parliamentary language.

**Mr. Speaker:** I will.

## COURT FACILITIES

**Mr. Cousens:** Today I held a press conference at the provincial courthouse in Richmond Hill. For over one year, staff, members of the judiciary and the public have endured intolerable conditions at this courthouse, with little sympathy, if any, from the Attorney General (Mr. Scott). On any one day, carbon dioxide levels have exceeded safe levels to the point where staff

and participants in proceedings suffer from headaches, discomfort and nausea. All of this is the result of extremely poor ventilation.

To add insult to injury, the people in this building are prevented from adjusting the thermostats and therefore are subject to working in unseasonably cold temperatures. The landlord has sealed off the thermostats with a notice saying, "Don't touch or you will pay for the whole system." It is not uncommon for court proceedings to adjourn every hour because of these conditions. This situation is unacceptable and belittles the process of due administration of justice. The Attorney General is aware of this situation, and yet corrective action has not been taken.

My actions this morning were meant to highlight this ridiculous situation and, furthermore, to impress upon the Attorney General that these conditions make a mockery of our judicial system. These people are cold. They cannot breathe without suffering injurious effects. This situation is disgraceful. We have a smoke-free environment, we have equal pay and yet basic working conditions do not exist in the Richmond Hill small claims court.

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## DRUG ABUSE

**Mr. Black:** Mr. Speaker, as the Premier's special adviser on drug abuse prevention, I am pleased to rise in the chamber today to bring a good-news story to your attention and to the attention of the members of this House.

This morning, representatives of the Metropolitan Toronto Young Men's Christian Association held a press conference at which they announced a new drug/substance abuse counselling service to the young people of downtown Toronto. The concept of this program was developed under 10 different agencies that have come together here in Metro Toronto to serve the needs of the age group between 16 and 24.

The goal of the program is threefold: First, it is designed to assist youth in identifying and decreasing their abuse of alcohol and other substances; second, it is designed to assist other human services providers and related professionals to work more effectively with their clients; third, it is designed to facilitate the development of new programs and to provide input to direct service providers.

As a result of this new program, outreach workers will be going out on to the streets of Metro Toronto and trying to assist those young people who have problems with drug abuse. I



want to commend the Metropolitan Toronto YMCA for its efforts, as well as those of the other 10 agencies that were involved in this very worthwhile procedure.

I should add that funding for this has come from the Ministry of Health.

## STATEMENTS BY THE MINISTRY

### COURT SYSTEM

**Hon. Mr. Scott:** When Mr. Justice Thomas Zuber presented his report on our court system, he made more than 150 recommendations that he felt would, if implemented, lead to a better justice system in Ontario. Many of his recommendations had a common focus. His proposals called for better management of our court system by all those independent players involved: the bench, the private bar, the crown attorneys and the court administrators.

One of his key recommendations, perhaps the key recommendation, called for a decentralization of management to the regional level. In this way he suggested that the justice system could become more responsive to local needs and conditions.

I am pleased to advise the House today that my ministry is proceeding to implement this central recommendation. Both the courts administration division and the crown attorney system within the ministry will be involved in this regionalization initiative. The key decision-makers will move from Toronto closer to the people affected by their decisions.

I do not believe it is possible to overemphasize the importance of this move. In my view and I think in Mr. Justice Zuber's view, regionalization is a critical underpinning for the reform initiatives which must take place in the future.

We are, however, making one significant modification to Mr. Justice Zuber's recommendation. In his report he suggested the ministry establish seven regions. The people of northern Ontario made clear to me on a number of visits that they had a problem with this proposal. Many individuals and groups told me that one large northern region would not be practical. The government has taken this concern to heart, so I am pleased to announce that there will be two northern regions created: one for northwestern Ontario and one for northeastern Ontario.

Regional court administrators and regional directors of crown attorneys will be located in regional centres in Thunder Bay, Sudbury, Hamilton, London, Newmarket, Ottawa, Brampton and Toronto. These centres were chosen after careful consideration of a large number of

factors, including case loads and geographic accessibility.

I know from my extensive consultations around the province that a major concern about regionalization of the courts administration division was that it would lead to the abolition of court sittings in some parts of the province. I want to make it clear that this will not occur. Regionalization will provide better service, not less service. For example, courts will continue to sit in those municipalities where they now sit. That will not change as a result of regionalization.

While regionalization is new for the courts administration division of the ministry, it is a refinement for the crown attorney system. This refinement will provide regional directors of crown attorneys with increased administrative support, thus allowing them to better manage the system within their region.

With regionalization, I believe my ministry will be in a position to become fully involved in the sort of joint management activity that Mr. Justice Zuber recommended. By being located in the region and by being available we will be able to work closely with the independent judiciary, the local bar and the public on improving the administration of justice in their respective areas.

This is an important first step on the road to court reform. Our goal remains to improve our court system so that it is efficient, accessible, comprehensible and affordable for the public. With the help of the other independent players involved in the administration of justice, I believe we will ultimately succeed in that endeavour.

## RESPONSES

### COURT SYSTEM

**Mr. B. Rae:** I want first of all to say to the Attorney General (Mr. Scott) that it has taken him a very long time after the publication of Mr. Justice Zuber's report. Indeed, it is common parlance among lawyers across the province that they cannot understand what the Attorney General's problem is with respect to the implementation of the report.

His statement is that the regionalization concept is "the key recommendation." He added editorially to the text. It says "one of his key recommendations," and he says it is "the key." We know now that the reason the Attorney General is calling it the key recommendation is because he is not prepared to do anything about any of the other recommendations. Therefore, he



has to kind of take one out and say, "Look what I have done."

Of course, regionalization is an important step in terms of making the administration of justice in this province more efficient, but I can tell the Attorney General, quite sincerely and quite personally, that delays and inefficiencies and problems in the administration of justice, while they may not be the most politically sexy issues going, are extremely important to people who are the victims of crime and to the litigants who are waiting for months and indeed years for a solution to their problems. It is increasingly the case that the costs of legal services are exorbitant, are a ripoff and are in some cases a total barrier to real participation by the public in our justice system, issues which were addressed by Mr. Justice Zuber.

I hoped that, in addition to what he did today, the Attorney General would address some of those issues as well as the very touchy and difficult but important question of the administration of the courts themselves and making the administration of those courts more efficient and more accessible and more understandable to the citizens of this province. We have taken what I think is referred to on the streets as a small banana step in the implementation of the Zuber report, but nothing more than that.

**Mr. Sterling:** I would like to echo many of the sentiments that the Leader of the Opposition (Mr. B. Rae) put forward.

Interjections.

**Mr. Speaker:** Order.

**Mr. Sterling:** The cost of legal services for people from other regions of the province far exceeds the cost of legal services for people who live close to the centre of Toronto. Therefore, we are anxious not only to see the Attorney General take this step, but also to see him implement many of the other recommendations of the Zuber report and have an opportunity to discuss those in the open and listen to all sides of the argument with regard to those very important recommendations.

I would also echo the Leader of the Opposition's remarks with regard to this being a significant step. I might take issue with the Attorney General that this is a significant step, but I will give him the benefit of the doubt that this is a start. When he heckled the Leader of the Opposition and said, "Just wait," I hope, I say to the Attorney General, that we do not have to wait too much longer.

**Mr. Speaker:** That completes ministerial statements and responses.

Interjections.

**Mr. Speaker:** Order.

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## ORAL QUESTIONS

**Mr. Speaker:** The Leader of the Opposition.

[Applause]

**Mr. B. Rae:** On this day of all days, I appreciate that applause, but my subject for questions is not here. I understood the Premier (Mr. Peterson) was to be here today and I shall stand down my questions until he arrives.

**Mr. Speaker:** Both questions? The member for Sarnia.

**Mr. Brandt:** I have much the same dilemma. My question is, as well, for the Premier. I will stand down my question. Perhaps my colleague can take the second question.

## OPTOMETRISTS' FEES

**Mr. Eves:** My question is to the Minister of Health. At noon today, I am sure she is aware, some 400 optometrists from across the province rallied in front of the Legislature to protest her refusal to give optometrists equal pay for equal work with ophthalmologists.

I would like to ask the Minister of Health, in view of the fact that a government-appointed mediator in recent negotiations between the ministry and optometrists concluded that parity was a compelling issue and recommended that optometrists receive the same fee for the same work, why she has ignored Professor Rayner's recommendation. Why does she refuse optometrists equal pay for work of equal value?

**Hon. Mrs. Caplan:** As I have said on numerous occasions in this House when there are negotiations ongoing between health professionals who negotiate directly with the ministry, I think it is inappropriate to have these discussions either in this House or on the steps of Queen's Park.

I want to tell the member that I believe that negotiations will continue and that I have agreed to meet with representatives of the optometrists following a request for a meeting.

**Mr. Eves:** The minister knows the optometrists have had a request for a meeting with her in to her ministry for over 15 months. It was not until yesterday, presumably when she or the grand Pooh-Bahs in her ministry read an article in the Globe and Mail that the optometrists would be here today, that her ministry contacted the optometrists and said, "Well, perhaps we can arrange a meeting after all."

As a matter of fact, when the New Democratic Party Health critic and I were outside addressing the optometrists at noonhour, the minister was standing in front of the main steps downstairs, coming upstairs. She did not have the time to walk 12 steps to talk to the optometrists.

The minister knows that the optometrists suspended negotiations on November 17 and notified her of that fact in writing. Will she now explain why her ministry gave a substantial increase to ophthalmologists, who basically offer the same diagnostic services as optometrists, but has threatened to reduce optometrists' fees by 4.3 per cent?

**Hon. Mrs. Caplan:** Some of the information in the member's statement is not accurate, which is not any news in this House. I can tell him that a meeting was requested. I agreed that I would be pleased to meet with representatives of the optometrists. That meeting, as far as I know, has been scheduled for December 20.

**Mr. Eves:** On the basis for fees paid to optometrists and ophthalmologists, parity has been a fact in this province since 1974. Professor Rayner listened very attentively to the reasons being offered by the ministry for not offering them equal pay and did not accept them. Neither do I, and neither do most fairminded people, I would suggest, in Ontario.

They provide exactly the same diagnostic services, and therefore they should receive the same fee. As Professor Rayner said, it is a matter of simple fairness. Why will the minister not treat the optometrists fairly?

**Hon. Mrs. Caplan:** I think it is important that members of this House know and acknowledge that we all want to make sure that those who are providing services in health care in Ontario are fairly compensated for the services they perform. That is the principle of basic negotiations that I always operate under.

We know there are many factors which the ministry in its negotiations with various groups takes into consideration. I would tell this member again that negotiations are ongoing. I think it is important to allow those negotiations to continue. I believe that through negotiations many of these issues can be resolved.

**Mr. Speaker:** I am wondering if we would revert to the original question from the Leader of the Opposition now.

#### AUTOMOBILE INSURANCE

**Mr. B. Rae:** I want to return to the questions we were asking the Premier yesterday about the Liberal Party's plans on insurance.

Interjections.

**Mr. Speaker:** Order. That means please be silent.

**Mr. B. Rae:** My question—I did not hear an answer to it yesterday and I want to ask it very directly to the Premier—is this: When he announced on September 7, 1987, three days before the election of September 10, that he had a specific plan to reduce insurance rates, was he at that time telling the truth to the people of Ontario?

**Hon. Mr. Peterson:** We went through this yesterday and I think I answered it very fully. A bill passed through this House. It is in independent hands, and I think my honourable friend knows our approach to that; we also know his approach. I think the judgements were made on that matter.

**Mr. B. Rae:** Surely it is noteworthy that when you ask the Premier of the province whether he was telling the truth on a given day, he cannot even answer yes, let alone no. He cannot give us an answer one way or the other.

It is a very simple question. When he made that statement to the people of this province, was he or was he not telling the truth to the electors of Ontario?

**Hon. Mr. Peterson:** The truth is over here.

**Mr. B. Rae:** Since the Premier is not prepared to tell us about his own integrity, perhaps he would care to tell us about the integrity of this process whereby the Ontario Automobile Insurance Board has hired William M. Mercer Ltd., which is owned by Marsh and McLennan Cos. Inc., which is, according to Moody's, considered to be the leading insurance brokerage firm in the world.

As an interesting aside about what kind of corporate operators Marsh and McLennan are, Dun and Bradstreet's Who Owns Whom lists a number of South African subsidiaries. Another holding of Marsh and McLennan Cos. Inc. is Marsh and McLennan Ltd., located in First Canadian Place in Toronto, the same address as William M. Mercer Ltd. When one of my staff members phoned Marsh and McLennan's Toronto office and asked whether he could buy a personal automobile insurance policy from them, he was told that he could and he was put through to an insurance agent.

The government of Ontario has been relying on William M. Mercer Ltd. for its advice for the Ministry of Financial Institutions. The auto insurance board has relied almost exclusively on William M. Mercer in dealing with the question



of classification and now, in dealing with the question of what the rate increase should be, as well as hearing evidence from it on the question of what profitability should be.

Just what kind of integrity does the Premier's process have when it is the people who are being regulated who are proposing the very increases that they are sticking to consumers in this province?

**Hon. Mr. Peterson:** I say with great respect to my honourable friend that I understand his belief in conspiracy theories, but it is misplaced in these particular circumstances. It is an independent board that will get independent advice from the member and from whomever else it chooses.

My honourable friend believes there is a capitalistic conspiracy to destroy his—

Interjections.

**Mr. Speaker:** Order. I am sorry to interrupt. I must remind all our visitors they are most welcome, but they are not to participate or demonstrate in any way. I just remind them of that.

#### NATIONAL SALES TAX

**Mr. B. Rae:** I want to ask the Treasurer a question about the national sales tax. It is suggested in the document that is being discussed and proposed by the Honourable Michael H. Wilson, the Progressive Conservative Minister of Finance—

**Mr. Brandt:** A fine man.

**Mr. B. Rae:** Now wait for it—

**Mr. Brandt:** Oh, I know there is something coming.

**Mr. B. Rae:** —because on lot levies, he makes this government look like a piker.

Section 11, on real estate, proposes that a new multistage sales tax will apply to the sale or rental of real estate for commercial use and to the sale of new residential buildings.

The example given on page 117 of this Progressive Conservative document states as follows: "The tax will apply to the sale by developer X of the new home" when it is purchased by individual A. "A will not be entitled to claim any input credit in respect of the purchase price. The resale of the home by A will not be subject to tax."

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The election is now over. The Treasurer has to decide what the position of the government of Ontario is going to be with respect to this national sales tax, which if applied to the sale of new

homes would cost new purchasers not a couple of thousand dollars, not a few thousand dollars but tens of thousands of dollars on the price of a new home. What is the position of the government of Ontario?

**Mr. Speaker:** Order. The question has been asked.

**Hon. R. F. Nixon:** Members will know that the province of Ontario charges an eight per cent tax on almost everything that goes into the home in the first place. They are also aware that we have a land transfer tax that some people think is inordinately high. I, of course, think it is just about right.

So as far as we are concerned in the province, our sales tax is applied to almost every commodity building material that is presently going into a new home or a repair. The Leader of the Opposition may object to that, but naturally our revenue of about \$7.5 billion from sales tax in general is allocated to a wide variety of programs which most of those members support.

**Mr. B. Rae:** I do not think I heard an answer.

This is a new, multistage sales tax which will apply all the way through the piece and in addition will apply to the price of the final sale to the new purchaser. If you take an average price of \$240,000 and add whatever the national sales tax is—there have been figures ranging from 14 per cent to 17 per cent—you get some idea of the \$35,000 or \$40,000 that is involved in a sales tax paid by the purchaser of a new home.

The Treasurer is involved in these discussions very directly. I think the people of this province, where we have the greatest housing crisis in Canada right now in terms of affordability, are entitled to a clear answer from him. Is the Treasurer in favour of this new approach at the federal level, which will include the provincial government, or is he opposed to it? Which is it?

**Hon. R. F. Nixon:** The honourable member will know that—how many members are there in the House of Commons?—295 people have just been recently elected who are going to pass judgement on the policies of the government of Canada. If the government of Canada decides to implement a new sales tax, that is its business.

I tried to make it easier for the honourable member by saying that the province already taxes everything in the home. I wish we did not have to. If we went into some agreement with the government of Canada, our tax would be the same. The tax they levy is their responsibility, democratically; the member should understand that.

**Mr. B. Rae:** What I also understand is that this new national sales tax will include the Treasurer; he is involved in it, his government will benefit from it and he will be a beneficiary of a new tax on the sale of a new home. The Treasurer is shaking his head. He knows that is the case. We are talking about an integrated national sales tax which includes the provincial government.

Is the Treasurer prepared to stop these discussions and tell the federal government that he will have nothing to do with this kind of tax, or is he going to go along with it? That is the question.

**Hon. R. F. Nixon:** There are several questions there. The answer to the first one is no, I am not going to tell them to stop. It is their business. They have to pay their bills. Whether or not we participate in the future is a decision that is a long way off. I am not dealing with anybody directly on whether we will do that or not.

#### AUTOMOBILE INSURANCE

**Mr. Brandt:** My question is for the Premier and it relates to automobile insurance. Yesterday the Premier was quoted as having said that over a five-year period, the rates that would be brought in by the Ontario Automobile Insurance Board would be lower than rates that would be brought in without that particular board.

On September 7, 1987, the Premier was quoted as having said, "The point is if you aspire to govern, you've got to be credible and base things you say on accurate information, not just wishes and theories."

Since I join with the Premier in not wanting to deal with wishes and theories as they relate to auto insurance rates, could he indicate what information or factual reports he based his statement on that five years under the Ontario Automobile Insurance Board would be cheaper than five years without the board? Could he share that with the House?

**Hon. Mr. Peterson:** The whole object of having the board is to build an independent database. The member will recall the context in which these discussions took place, the very high increases in insurance. There was a suggestion by some that there was not enough capacity. Others were pulling out of the market. There was great pressure through liability claims and a number of other things. We brought in, as I said, a multistage program attacking a variety of different problems and we think it is going to seriously address this issue.

What the member will see in the hands of the auto insurance board—and he will want to go and

make submissions; I gather his theory now is to raise the price quite dramatically, but do it over seven years. We do not accept that, and I do not think the auto insurance board accepts that. They will, for the first time, have an independent database on which to make these decisions and to regulate this in the public interest. I do not think there is anything the matter with that.

**Mr. Brandt:** I can tell the Premier that I do not accept the fact that he has any factual database upon which to base his prediction that five years under the auto insurance board will be cheaper than five years without it. I also do not accept his statement of September 7 that in fact he had a plan, which he has yet to disclose, to lower rates.

In light of the fact that we have a so-called independent report prepared by Mercer with respect to the proposed increases, a report paid for by the taxpayers of Ontario—the firm that wrote the report obviously was paid by the taxpayers of Ontario—will the Premier indicate why this firm will not respond to questions from either the research department of our party or certain reporters as to how it arrived at its conclusions that there must be a 35 per cent to 40 per cent increase in insurance in this province in order to provide a reasonable return on investment to insurance companies? Why is Mercer put under a gag order? That is the question.

**Hon. Mr. Peterson:** They were retained by an independent board, not by us. They are having public hearings on this matter. That document is not government policy. Does the member understand that it is not government policy? As a former minister of the crown, he understands that there are a variety of reports around government on a variety of subjects from a variety of different points of view. It does not mean it is government policy.

I know my honourable friend has some problem with that and I invite him to make a submission to the auto insurance board—he is perfectly entitled to express his point of view or to attack the credibility of that document—as many others will do, so that it can determine the real facts in this matter. I am sure they would value his contributions.

**Mr. Brandt:** With respect, we have been pursuing the matter of auto insurance for the last few days as a result of this rather unusual report that came forward asking for a tremendous and totally unexpected increase in auto rates in this province.

We are concerned as well about what the future plans of his government are as they relate to auto insurance. The Premier has stated on



many occasions that it is not the expectation on his part that he would bring in a government auto insurance plan in Ontario. Is he prepared today to state, without any equivocation whatever, that his government is not prepared to bring in government-operated auto insurance in Ontario prior to the next provincial election?

**Hon. Mr. Peterson:** Just so we understand, the minister responsible was asked the question "Do you rule it out?" and he said he does not rule out anything. It is part of a look we are taking at tort reform, no-fault insurance, the liability side of the question and the auto repair side of the question.

We are constantly trying to build a system that serves the consumers well. Obviously we look at the examples in other provinces—the problems of startup, the problems of rates, the political manipulation, all of that kind of thing—and we think our approach is comprehensive and addresses the problem in a real way. If the member is asking me to rule out in perpetuity all other options, I am not prepared to do that.

Interjections.

**Mr. Speaker:** Order.

#### OPTOMETRISTS' FEES

**Mr. Reville:** My question is for the Minister of Health, if I might intrude on the conversation between her and the member for Chatham-Kent (Mr. Bossy). My question as well concerns fairness for optometrists. In sort of an answer to my counterpart in the third party, the minister stated somewhat piously that a basic principle of her government was fair compensation for health professionals.

Given that it is clear that the optometrists provide basically the same service as the ophthalmologists in this connection, and given that in 75 per cent of the communities of this province only optometrists provide vision care, would the minister not agree that it would be fair and in keeping with those basic principles to provide the same remuneration for the same service by the two kinds of health professionals?

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**Hon. Mrs. Caplan:** If the member and the critic for the third party would like, I would agree that in fact it is inappropriate to conduct negotiations either in this House or on the front steps of Queen's Park. As I mentioned to the critic for the third party, I have agreed to meet with representatives of the optometrists, and I understand the meeting has been scheduled for December 20.

Interjections.

**Mr. Speaker:** Order. I would like to make it possible for members to ask questions.

**Mr. Reville:** I am not terribly surprised that the minister will pretend that she has nothing to do with this negotiation. That is a fairly standard tactic of a government that does not want to be fair to people with whom it is negotiating.

I am quite surprised by the taunting of the Attorney General (Mr. Scott), who suggests that somehow I may be associated with the Ontario Medical Association. That gives rise to a supplementary. Many of the optometrists believe that they have been separated out from the OMA for the simple purpose of having the government squash them and their demands. Is that correct?

**Hon. Mrs. Caplan:** I think the member has raised a point which is very important for everyone to understand, and that is that optometrists are not members of the OMA. They are not physicians, and therefore they are not part of that negotiating and bargaining process. Optometrists are negotiating directly with the Ministry of Health. For the first time there has been a third party involved in those negotiations. The negotiations have been ongoing, and I am—

Interjections.

**Mr. Speaker:** Order.

**Hon. Mrs. Caplan:** —planning and hopeful that, through the negotiating process, many of the complex issues which are under discussion can be resolved.

#### AFFORDABLE HOUSING

**Mr. Harris:** In the absence of the Minister of Housing (Ms. Hošek), let me save some time and go straight to the Treasurer anyway. The Treasurer may also want to reflect.

Yesterday when I was discussing this issue with the Minister of Housing, I indicated that, after having lost the sales tax battle and then losing the land transfer tax battle, if she lost this battle, she should resign. She is not here today.

**Mr. Speaker:** And your question would be?

**Mr. Harris:** I do not know if that is indicative of what happened in cabinet today or not.

**Mr. Speaker:** Question.

**Mr. Harris:** Will the Treasurer confirm that he intends to shift even more of the burden of the costs of health care and education to the municipalities by introducing enabling legislation to permit the municipalities to impose lot levies to cover everything from schools to hospitals to libraries to parks, thereby putting



more of the onus for those services on to the backs of new home buyers in this province?

**Hon. R. F. Nixon:** No.

**Mr. Harris:** The Treasurer will not confirm. This is exactly what he, the Premier (Mr. Peterson) and the Minister of Housing have been discussing with the development industry, that they want to shift that burden of payment to the municipalities by allowing all the soft services, as well as the hard services that are now covered, to be covered by lot levies.

I suggest to the Treasurer that if municipalities have to get their funding for schools and health care through lot levies, it will mean a wide variation in the level of service from one municipality to the other. With an affordable housing crisis the like of which we have never seen before, the Treasurer now appears to want to hit the new home buyer even harder. The people who can least afford any additional cost are being told they will have to dig deeper, something I find disgraceful.

The Treasurer knows that, as it now stands, lot levies vary widely from one municipality to another. The industry and many others have been after him to bring some consistency to this issue, to recognize that they are too high already. How can the Treasurer now talk about allowing them to be hiked even higher and to vary even more widely from municipality to municipality by allowing the lot levy to be—

**Mr. Speaker:** Order.

**Hon. R. F. Nixon:** I have not been talking about it; the member has been talking about it.

We are very much concerned about providing sufficient money to the municipalities and the school boards to accommodate the rapid rate of growth that many communities are experiencing. The honourable Minister of Housing said very properly that the government, including myself and my colleagues, is considering a wide variety of alternatives. When we have a policy or a paper that might elicit discussion, the member will be among the first to know the specific contents. Otherwise, he is talking about it; I am not talking about it.

#### TRADE WITH EUROPEAN COMMUNITY

**Mr. Daigeler:** My question is to the Minister of Industry, Trade and Technology. Last spring I asked him about Ontario's preparations for the 1992 establishment of an integrated European market. I understand that since then his ministry has done a study on the possible impact of this very significant event for Ontario businesses. May I ask the minister whether this study has

now been completed and, if so, whether he can inform this House and the people of Ontario on the highlights of this report?

**Hon. Mr. Kwinter:** I am sure members know that in 1992 the European Community is going to become one economic bloc, and at that time there are going to be incredible opportunities for a market that will exceed 300 million people.

We have done a study to see what the awareness is of Ontario businessmen and, sadly, it is very low. The average businessman has no concern for or knowledge of what is happening, and just those who are now dealing with the European Community are aware of it.

We are going to convene a major conference after the beginning of the year to indicate to the industry in Ontario what the opportunities are, what the ramifications of this new economic bloc are going to be and what can be done to penetrate what will be a major market in the world.

**Mr. Daigeler:** I thank the minister for the information, and I do hope that many of the Ontario business people will take advantage of the study that was done by his ministry, because I think there are some very interesting details and information included in the study.

I must say that I am somewhat concerned that, with free trade soon becoming a reality, many Ontario businesses will be centring exclusively on the United States market. I am wondering whether, even within his own ministry, the obviously limited resources the ministry has will be centred on trying to enter the US market.

In the minister's view, does he think his own ministry will have enough resources to focus on the opportunities in Europe, and does he think he will be able to assist Ontario business leaders to look not only at the US but also at the European market?

**Hon. Mr. Kwinter:** At the present time, as I am sure the member knows as a result of the free trade debate, 90 per cent of the trade of Ontario is with the United States, only four per cent is with Europe and four per cent is with the Pacific Rim. When you consider that there are going to be over 300 million customers in the new economic union, it is a wonderful opportunity, and we are taking advantage of that.

We have already had six trade missions go to Europe this year. We will be amplifying that. We have offices, as I am sure the member knows, in London, Paris and Frankfurt. We have an excellent relationship with the state of Baden-Württemberg in Germany, and we will be concentrating our efforts to make sure that we expand our trading relationship in that area.



NORTHERN ONTARIO HERITAGE FUND  
FONDS PATRIMONIAL DU NORD DE  
L'ONTARIO

**Mr. Pouliot:** I have a question to the Minister of Northern Development. I wish to follow with the minister a sequence of events regarding the northern Ontario heritage fund.

The minister will no doubt recall that in May 1987, the Treasurer (Mr. R. F. Nixon) made an announcement concerning \$30 million in allocation to diversify and enhance the economic situation in the north, and some six months afterward, in the speech from the throne, a layer of bureaucracy was created, with an advisory committee to oversee the disbursement of these funds.

We are now a year and a half into the process and we are supposed to draw, as northerners, consolation from the born again, which is the reintroduction of the northern Ontario heritage fund. We never saw the first \$30 million. It is now about 18 months after the first announcement. Can the minister tell the House today what exciting projects and what amount relating to this project he has approved so far?

1420

**L'hon. M. Fontaine:** Je tiens à remercier le député de Lac Nipigon de sa question.

Premièrement, je dois lui rappeler que le Fonds a été mis en place au mois de juin, ce n'était pas il y a un an et demi. Je pense que, des fois, sa mémoire lui fait défaut, je ne sais pas.

Mais une chose que je dois lui dire, c'est que la première assemblée a eu lieu au mois de juillet de cette année, et depuis ce temps-là, les membres de la commission se sont rencontrés quatre fois. De là, ils ont formé quatre comités qui ont étudié les termes de référence. Ces comités-là sont: l'assistance aux petites industries, l'assistance aux villes qui n'ont qu'une seule industrie et l'assistance aux petites entreprises. En plus, dans un autre volet, nous avons l'appui au développement de la technologie.

Interjection.

**L'hon. M. Fontaine:** Je parle des comités, là.

Il y a aussi l'assistance aux projets spéciaux. Pour finir, on a au moins six ou sept demandes devant nous. La commission est à les revoir, et à la prochaine assemblée, le 19 décembre, on devrait avoir des résultats.

**Mr. Pouliot:** The minister is quite right. His record is immaculate; he has done absolutely nothing.

By way of a supplementary question, I would like to remind the minister that it took very little time, on the other hand, to fund \$30 million of provincial taxpayers' money for a playpen, the SkyDome. It took two weeks in the approval process, and yet the minister has had a full year and a half to do what is right for the people of northern Ontario. Dozens of proposals have crossed his desk.

Will the minister make a commitment that during this fiscal year he will spend the full \$30 million to enhance the quality of life in north-western Ontario, and even in northern Ontario as a whole, clear and simple? Does the minister have the commitment to do it? What is lacking here is not my memory but the commitment on the minister's part.

**L'hon. M. Fontaine:** Je ne sais pas si c'est moi qui me sens en brosse ou bien lui.

En tout cas, je dois lui rappeler qu'il me semble que chaque fois qu'il me demande quelque chose, je me rends à son bureau. S'il me demande de rencontrer certains de ces électeurs, je suis là. Alors, de me dire que je ne fais rien, je ne crois pas que ce soit approprié.

Je dois lui rappeler que le Fonds, comme c'est là, a accumulé au moins un million de dollars d'intérêts. Je lui rappelle encore qu'on travaille sur des projets. J'ai annoncé la semaine passée qu'on allait mettre de l'argent de côté pour Temagami; on travaille avec Ignace et avec Ear Falls. Alors, me dire à moi que je n'ai rien fait, je ne sais pas où il a pris cette phrase-là. Peut-être qu'il a un nouveau dictionnaire que je ne connais pas. En tout cas, je vais le rencontrer demain, puis on reparlera de ça.

#### HOME CARE

**Mrs. Cunningham:** My question is for the Minister without Portfolio responsible for senior citizens' affairs. Will the minister publicly state that the Red Cross home care program deficit should be funded, and will she publicly lobby Ontario's Treasurer (Mr. R. F. Nixon) for the funds?

**Hon. Mrs. Wilson:** As the member knows, as we have been discussing during estimates the last few days, there are significant challenges with the homemaker program. The operational review is under way. It is an issue that is of importance to everyone in this government. It is an issue I am working on very closely with the Minister of Community and Social Services (Mr. Sweeney), the Minister of Health (Mrs. Caplan) and, yes indeed, the Treasurer.

**Mrs. Cunningham:** We are talking here about community-based services for seniors, a priority, we are told, of her government. The minister's mandate is to act as an advocate for the senior citizens of this province, not as an apologist for the Liberal government's Treasurer or the Minister of Health.

Once again, will the minister assume the responsibility that comes with her job by stating her support for the Red Cross program publicly and by lobbying Ontario's Treasurer for the funds which are required so that Ontario's seniors will continue to benefit from this program?

**Hon. Mrs. Wilson:** The integrated home-maker program is a program that is of importance to the seniors of this province. We are working to provide home support programs to assist seniors to remain in their own homes, which is where they clearly want to be. That is why this government has put the millions of dollars in increases that we have put into this program over the last three years.

I continue to meet with groups of seniors. I continue to meet with the care providers, including the Red Cross, to get from them their points of view in order that I may bring those forward effectively to the cabinet table, which I do on a regular basis.

#### USE OF PESTICIDES

**Mr. MacDonald:** My question is to the Minister of Agriculture and Food. Last year the minister announced that his ministry would establish a program called Food Systems 2002, aimed at reducing pesticides used by farmers by 50 per cent. Could the minister tell the House what steps are being taken to accomplish this goal?

**Hon. Mr. Riddell:** I appreciate the honourable member's interest in this matter, as he does represent a good agricultural part of Ontario. I am pleased to report that the 15-year Food Systems 2002 program is up and running. The intent of this program is to provide farmers with tools to reduce pesticide use.

Up to \$10 million over four years has been allocated to this program, with about \$800,000 a year being devoted to research and to biological alternatives to pesticides, integrated pest control, improved pesticide application technology and pesticide efficiency. I must say that about 24 projects have been approved to this point in time.

As well, we have hired four pest management specialists across the province to work with farm groups and farmers directly to incorporate

research results into practical farm applications. Really, the effort on our part is to ensure that farmers will be able to use alternatives to pesticides, such as genetic resistance, biologic control agents—

**Mr. Speaker:** Thank you.

**Hon. Mr. Riddell:** Mr. Speaker, this is very important.

**Mr. Speaker:** I appreciate that, but I thought you should leave some information in case there was a supplementary.

**Mr. MacDonald:** I do have a supplementary. Even when we are able to fully utilize the advances the minister has described, farmers will continue to use some pesticides. What steps are being taken to reduce the risks that the improper use of pesticides can pose, not only to the environment but to farmers themselves?

**Hon. Mr. Riddell:** I agree that it is important to make sure that farmers are properly trained in the use of pesticides and application equipment. To that end, we are preparing to establish a course for about 10,000 farmers next year. This course will upgrade their knowledge about safe handling and storage of pesticides.

I would say that farmers themselves are at the most risk in the use of these pesticides, so this education component of our Food Systems 2002 program will train them in proper application techniques for the person who is actually applying this chemical.

#### PENSION BENEFITS

**Mr. D. S. Cooke:** I have a question to the Minister of Financial Institutions. It also tends to deal with the government's credibility and integrity on promises that it has made in the past. The minister will remember very clearly that his predecessor, now the Minister of Industry, Trade and Technology (Mr. Kwinter), made a promise on June 23, 1987, in this Legislature when dealing with the Pension Benefits Act. He said, "A new section" of the act "will be added to the bill to reinforce the government's commitment to inflation protection for pensions."

As a result of that amendment to the legislation, the Friedland report was commissioned and reported back, and still, nearly two years, going on two years from the time this amendment took place in the legislation, we have no inflation protection for pensions and pensioners across this province.

When is this government going to act to protect our pensioners and to start providing inflation protection for future retirees?



1430

**Hon. Mr. Elston:** I want to thank the member for the question. I can tell the honourable gentlemen that we have taken the Friedland report. In fact, I have met with Mr. Friedland, and as well with another member of the group, to get their views with respect to a number of pieces of information that have come to my attention through our consultation.

I have made a commitment to the business community and to others, pensioners and otherwise, to consult with them further with respect to the questions that surround the issues of indexing, including the question of whether or not it be prospective only or whether it be retrospective in nature. They are very serious questions we have to consider with respect to how the whole area is resolved, and I have undertaken a very thorough investigation of all the options that are available to us with respect to all of the Friedland report's recommendations.

That having been said, we are moving forward, and I can note for the honourable gentleman that there has been progress and that there continues to be progress as we meet with various groups who are interested, not only in the way things are today but in the way they will be on the Ontario scene in years to come. I can tell the honourable gentleman as well that one of our biggest concerns is—

**Mr. Speaker:** Thank you. That seems like a fairly reasonable answer. Supplementary.

**Mr. D. S. Cooke:** I am tempted not to, but I will.

If I could sum up what the minister has said, he said it is being held up because he is consulting with the business community and to hell with the pensioners of this province. That is exactly what he said.

I would like to ask the minister, why is it pensioners have to wait while he consults with corporations across this province, and he has not even come to grips with the fact of whether or not he is going to make this inflation protection retroactive? He has not even made that basic decision yet. When is he actually going to report and make some decisions with respect to this matter?

**Hon. Mr. Elston:** As is normal with the member for Windsor-Riverside, he does tend not to put the entire case in front of the public. I said very clearly that the business people were among the groups with whom I was consulting, but that I was also consulting all people who had interests in this particular area. I want to make that very clear because those people opposite sometimes

leave the impression that we do not talk to the entire world. In fact, when we do not consult widely enough, they accuse us of not being open and consultative. I am talking to the people who are interested in this issue from all parts of the province.

That having been said, there are very interesting and difficult questions that we have to resolve to assist people to progress suitably where they will have protection, the type of protection that was indicated when the bill was put through. We are doing that.

He says it is two years. I can tell the honourable gentleman that the group that formed the Friedland task force met and wrestled with several of these questions, and it took them some time. We are now going through and examining each one of their recommendations in turn.

Now, it may be that he has a little bit more time, since he probably was able to assist Mr. White in writing a letter to their national party or whatever. Maybe he wants to get on with something else. But I can tell him that the work on this side of the government does not stop.

**Mr. Speaker:** Thank you.

**Hon. Mr. Elston:** We are continuing to do the work and we will complete the task—

**Mr. Speaker:** Order; new question.

#### TRUCKING INDUSTRY

**Mr. Wiseman:** I have a question for the Minister of Transportation. The Ontario Court of Appeal yesterday turned down his attempt to appeal the October 20 decision of the Ontario Supreme Court, a decision that authorized the Ontario Highway Transport Board to issue extraprovincial truck and bus licences in this province.

As he knows, the decision affects the compatibility of Bill 88, the Truck Transportation Act, and the federal Motor Vehicle Transport Act, which regulates the public interest test for new entrants. The federal legislation has been on the books since January 1 of this year and has been the topic of discussion with his ministry since 1984. Bill 88 recently completed clause-by-clause review, at which time his ministry had ample opportunity to change the wording to make it compatible with the federal legislation.

**Mr. Speaker:** Does the member have a question?

**Mr. Wiseman:** I ask the minister, how can he blame the federal government for the public interest test fiasco when he himself is the author



of the legislation that created this mess in the first place?

**Hon. Mr. Fulton:** I am not quite sure I heard a question in the member's dialogue, but I did hear him say we were blaming the federal government for something. We were not blaming the federal government; we were appealing a court decision with respect to a legal matter. We were not blaming the federal government as the member suggests.

**Mr. Wiseman:** We see long lineups to get into our hospitals, our universities and public housing, and now we see long lineups to get a licence to operate in this province.

The federal Motor Vehicle Transport Act is consensus legislation reached between the provinces and the federal government. It took three years of exhausting consultation before the federal government and the provinces could come to some terms. The minister was told by the federal government at the Roads and Transportation Association of Canada meeting in Halifax in September that it would not compromise its legislation in order to accommodate the minister with Bill 88, yet the minister still rammed the bill through clause-by-clause.

Will the minister revoke Bill 88? If not, will he accept full responsibility for the chaos this legislation is sure to cause?

**Hon. Mr. Fulton:** That was a much longer statement than the member made while he sat in on the committee hearings.

I suggest that this minister and this government did not ram anything through. We spent the summer in public hearings across the province. We spent three weeks in clause-by-clause. The member had ample opportunity, and in fact he did not appear for the last day of hearings, at which time he could have placed the amendment he is referring to.

#### RETAIL SALES TAX

**Mr. McClelland:** I have a question to the Treasurer. The Treasurer, I am sure, will be among the first to acknowledge the importance small business has in the vitality of the economy of our province. Significant pressure felt by small business is related to cash flow. Most small businesses that sell their products on a net 30-day basis consider themselves fortunate to receive payment for goods and services within that 30-day period.

My question to the Treasurer is, what is the provincial policy with respect to sales tax collection? When is it due and what is our policy

with respect to the collection of those taxes for goods and services sold on a given day?

**Hon. R. F. Nixon:** As Treasurer, I consider that the money, when collected, becomes public money, but that it does not have to be returned to the Minister of Revenue (Mr. Grandmaitre) until the 23rd of the month following its collection.

**Mr. Brandt:** Or.

**Hon. R. F. Nixon:** Period. We think that is reasonable.

**Mr. McClelland:** If a particular company is experiencing particular difficulty with respect to accounts receivable at a critical time in its development, is it the policy of our government to exercise some discretion with respect to the enforcement of collection, having regard to all the circumstances of a particular company?

**Hon. R. F. Nixon:** The actual nuances of the application of the policy are the responsibility of my colleague the Minister of Revenue, but essentially, if there is some thought that the money in the cigar box or the till or the bank is the property of the tax collector, that is the vendor, then that can lead to some substantial problems.

If that money is considered simply a little cash into which the vendor can dip for his immediate responsibilities, then unfortunately the taxpayers in general and the Treasury of the province are liable to find they are writing off even more bad debts than we are now, and we do not like to do that.

1440

#### AIR TRANSPORTATION

**Mr. Morin-Strom:** I have a question for the Minister of Transportation with regard to serious problems that travellers are facing when trying to travel within Ontario as a result of the serious flight delays and cancellations that we are facing at Pearson International Airport. I refer in particular to the fact that the policy, rule 302, that is being applied at that airport is clearly discriminatory against residents in Ontario.

Interjections.

**Mr. Speaker:** Order, the member for London North (Mrs. Cunningham). I remind all members this is question period. All members would like to ask questions, if other members will allow it. The member for Sault Ste. Marie.

**Mr. Morin-Strom:** Thank you, Mr. Speaker. To repeat, my question is to the Minister of Transportation with regard to the serious flight delays and cancellations that have been faced by travellers within Ontario and the fact that rule 302, which is being applied at Pearson Interna-



tional Airport, is discriminatory, particularly against travellers within Ontario, and is causing real hardship, particularly in regions such as northern Ontario where air transport is the main means of transport to the major centres in southern Ontario.

Has the minister approached the federal minister or the Department of Transport with respect to Ontario's concerns in this matter? What in fact can the minister tell us is going to happen in order to ensure that we have a reliable transportation system in terms of air transport here in Ontario?

**Hon. Mr. Fulton:** I am sure the member, and most members on both sides of the House, would be aware of our very active and progressive interest in developing regional air transport in this province. We have done that very successfully in many towns and cities across the province within our jurisdiction.

However, there are 28 federally operated airports in this province, and of course Pearson is first among those. However, being well aware and well ahead of the recent publicity with respect to the difficulties being experienced, I indeed spoke to the Honourable Benoît Bouchard, the federal Minister of Transport, in Halifax to bring to his attention then, not in the last few days, our concerns with respect to the difficulties at Pearson.

Since then, we are awaiting momentarily some indication of a meeting that may take place today or tomorrow, which we have also asked for, and other steps we can take that we think might be appropriate.

**Mr. Morin-Strom:** I guess what we would like to know is what, specifically, the minister is planning to do, given the fact that the current rule that is being applied at Pearson implies flights are being cancelled or delayed on an interminable basis, flights not only in the region that is within easy driving distance from Toronto but also to airports in Sudbury, North Bay, Sault Ste. Marie and as far as Timmins. Those flights are being delayed and put off indefinitely.

The winter is coming. The minister knows he has an inadequate highway system in terms of connections to northern Ontario. The most reliable source of transportation has been air transportation through Pearson International Airport. I would like to know specifically what the minister's proposal is in order to ensure we do have reliable transportation this winter, for the residents of northern Ontario in particular.

**Hon. Mr. Fulton:** First, I reject the member's notion that we have an inadequate highway

system in this province. It is utter nonsense and he knows it.

As I said earlier, we have had a meeting with the federal minister. He will be aware of our concerns. There are a number of options that are available. Some are not acceptable to some people because of noise levels, new runways and other things. There is limited jurisdiction in this province in what we can do to help operate a federal jurisdiction, a federal airport. There is some concern, however, that has been expressed that it may also involve a labour dispute with respect to some of the air traffic controllers perhaps working to rule.

**Mr. Speaker:** New question, the member for Markham.

**Mr. Cousens:** It is too bad the Minister of Transportation is not accepting his responsibilities.

**Mr. Speaker:** Your question is to which minister?

#### COURT FACILITIES

**Mr. Cousens:** My question is to the Attorney General. I held a press conference today at the small claims court in Richmond Hill. Staff and litigants have appealed to the Attorney General to correct the faulty ventilation system, as well as to permit them to adjust the thermostats in the building. These people, in the course of carrying out the administration of justice, are not only suffering illness from poor air circulation; they are also freezing.

As the chief law officer of this province and the one responsible for the courts, what is the minister doing to correct this unacceptable situation?

**Hon. Mr. Scott:** I am grateful to the honourable member for bringing this to my attention. I am going to take it up with the Minister of Government Services (Mr. Patten).

**Mr. Cousens:** That answer would be good. In the minister's letter of November 18 to someone who was asking about this, he said: "To ensure that the earlier conditions do not reoccur, the building's control system will be modified. This work will be carried out shortly." That is what the Attorney General said in his letter.

Since this response, further testing has been carried out by the Ministry of Health and the Ministry of Government Services. It has been found that the carbon dioxide levels have reached as high as 1,200 parts per million, which indicates a grossly inadequate air-handling sys-

tem. Court proceedings have had to be recessed because people are cold and nauseous.

When is the minister going to stop dilly-dallying with the owner of this building, get his act together and put an end, ironically, to these injustices in the Richmond Hill courthouse?

**Hon. Mr. Scott:** I told the honourable member that we are going to look into it and do what we can to fix premises which we do not own and for which others have landlords' responsibilities. We are going to do that. I mean to do it. I am not standing up here the way the member did, as minister, making a whole lot of promises I have no intentions of carrying out.

Interjections.

**Mr. Speaker:** Order. It is still question period.

### TRANSIT SERVICES

**Ms. Bryden:** I have a question for the Minister of Transportation. As the minister is aware, the Toronto Transit Commission has approved a fare increase averaging five per cent to start on January 1, but actually there will be a 6.5 per cent increase for Metropass users and a shocking 7.6 per cent increase for seniors' Metropass users. Under the present cost-sharing formula, Toronto transit riders pay 68 per cent of the TTC operating costs. The provincial government pays only 16 per cent, while it picks up about 40 per cent of GO Transit costs.

Will the minister commit more provincial funds to end this discrimination among TTC and GO Transit operators and sit down with the TTC and Metropolitan Toronto council to work out a new and fairer cost-sharing formula before the January 1 fare increase goes into effect?

**Hon. Mr. Fulton:** The member will be aware that we meet on a very regular basis with officials from the Toronto Transit Commission and I meet on a very regular basis with members of Metro council. The fare increases the member is referring to have not yet been approved by Metro council.

When she talks about our 16 per cent sharing of the operating costs of the TTC, I suggest that is in the range of \$80 million per year, which is no small amount of money. I think we have a very strong commitment to transit riders in Metropolitan Toronto on the TTC. We pay 75 per cent of their capital costs in addition to those previously mentioned figures. I think we are very dedicated and have demonstrated with our record our commitment to transit riders in Metropolitan Toronto.

**Ms. Bryden:** The minister has not changed the cost-sharing formula in about eight years, so those meetings must be pretty fruitless.

Yesterday, the minister gave a speech to the Board of Trade of Metropolitan Toronto on the topic of the economic and social cost of congestion. When he allows TTC fares to continue to escalate, is he not encouraging transit riders to return to their cars and add to the already serious traffic congestion in Metropolitan Toronto?

**Hon. Mr. Fulton:** It is a good question, but judging from the phenomenal increases in ridership both on Go Transit and on the TTC, I would suggest that the member's assumption is incorrect.

1450

### COURT FACILITIES

**Mr. Cousens:** On a point of personal privilege, Mr. Speaker: I had a question this afternoon for the Attorney General (Mr. Scott) on a very important matter that pertains to the health of people who are working in the courthouse in Richmond Hill. His comments, which I am afraid may not have been picked up by Hansard, were certainly picked up by me. He said, "It's of no small interest." I have to say that is wrong. This is of great importance.

**Mr. Speaker:** Order.

**Mr. Cousens:** He said, "It's no big deal."

**Mr. Speaker:** Order. Would the member take his seat?

**Mr. Cousens:** Mr. Speaker, it is a big deal.

**Mr. Speaker:** Order. I hope that the member for Markham, as a former presiding officer, will from now on show more respect for the chair.

### PETITIONS

#### SCHOOL ACCOMMODATION

**Mr. D. S. Cooke:** I have a petition that is of no small interest to the constituents of mine in Windsor-Riverside and also the constituents of the member for Essex-Kent (Mr. McGuigan). I present this petition on behalf of both of us to the Lieutenant Governor and the Legislative Assembly:

"We, the parents of children attending St-Antoine school, Tecumseh, Ontario, petition the Ministry of Education"—and I hope the minister is listening—"of the province of Ontario for a new French-language elementary school to be built in our area due to the present overcrowding of our school and the predicted rapid growth of the student population."



I present this on behalf of myself and the member for Essex-Kent and I hope the Minister of Education (Mr. Ward) will listen to the 400 families who have signed this petition.

Interjections.

**Mr. Speaker:** I am certain there are other members who would like to present petitions, if members could keep their private conversations down to nil.

#### SCHOOL OPENING EXERCISES

**Mr. Black:** This petition is to the Lieutenant Governor and the Legislative Assembly:

"We, the undersigned, are opposed to the use of multifaith prayers and readings in Simcoe County Board of Education schools."

It is signed by 300 people from Simcoe county, and I add my name to the petition.

#### MINIMUM WAGE

**Mr. Morin-Strom:** I have a petition that has been signed by 400 residents of the city of Sault Ste. Marie. It reads as follows:

"To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario, and in particular the Minister of Labour:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"That the minimum wage be increased from \$4.75 per hour to \$6 per hour over a period of two years."

I suggest that this would also be of interest to the Minister of Community and Social Services (Mr. Sweeney). I have endorsed this petition and I hope that the government will give serious consideration to it.

#### NOTICE OF DISSATISFACTION

**Mr. Cousens:** I would like to give notice of dissatisfaction, under the standing orders of the House, with the answer given by the Attorney General (Mr. Scott) to my question.

**Mr. Speaker:** The member has given proper notice. I am certain he will present that to the table and I will announce it later on.

#### ORDERS OF THE DAY

##### THIRD READINGS

The following bills were given third reading on motion:

Bill 160, An Act to amend the Municipality of Metropolitan Toronto Act;

Bill 66, An Act respecting Agricultural and Horticultural Organizations;

Bill 78, An Act respecting the Sale of Farm Implements;

Bill 139, An Act to amend the Grain Elevator Storage Act.

#### FARM PRODUCTS CONTAINERS ACT

Hon. Mr. Riddell moved third reading of Bill 140, An Act to revise the Farm Products Containers Act.

**Mr. Villeneuve:** Recently there has been a situation in eastern Ontario where milk was contaminated by the containers the milk came in. I would like the minister to comment on that and what his ministry has done to look into that situation to prevent some of our very good milk, when it leaves the farm, from being contaminated by containers.

**Mr. Speaker:** Are there any other members wishing to participate in the debate? If not, the minister may wish to respond.

**Hon. Mr. Riddell:** The testing of residues in products really is the jurisdiction of the federal government. We do not have any authority to do anything other than to impress upon the federal government that if containers are causing the problem, other containers made of another substance be used. But this again is something that does not really fall within our jurisdiction.

Motion agreed to.

#### CITY OF OTTAWA ACT

Mr. Morin moved second reading of Bill Pr6, An Act respecting the City of Ottawa.

Motion agreed to.

Third reading also agreed to on motion.

#### CHARLOTTE ELEANOR ENGLEHART HOSPITAL ACT

Mr. Smith moved second reading of Bill Pr9, An Act respecting the Charlotte Eleanor Englehart Hospital.

Motion agreed to.

Third reading also agreed to on motion.

#### 1500

#### SARNIA KIWANIS FOUNDATION INC. ACT

Mr. Harris moved, on behalf of Mr. Brandt, second reading of Bill Pr18, An Act respecting the Sarnia Kiwanis Foundation Inc.

Motion agreed to.

Third reading also agreed to on motion.

# LAPLANTE LITHOGRAPHING COMPANY LIMITED ACT

Mr. Velshi moved second reading of Bill Pr32, An Act to revive LaPlante Lithographing Company Limited.

Motion agreed to.

Third reading also agreed to on motion.

# ROCKTON WINTER CLUB INC. ACT

Mr. Reycraft moved, on behalf of Mr. Elliot, second reading of Bill Pr42, An Act to revive Rockton Winter Club Inc.

Motion agreed to.

Third reading also agreed to on motion.

# PETERBOROUGH HISTORICAL SOCIETY ACT

Mr. Reycraft moved, on behalf of Mr. Adams, second reading of Bill Pr53, An Act respecting The Peterborough Historical Society.

Motion agreed to.

Third reading also agreed to on motion.

# 288093 ONTARIO LIMITED ACT

Mr. Reycraft moved, on behalf of Mrs. LeBourdais, second reading of Bill Pr55, An Act to revive 288093 Ontario Limited.

Motion agreed to.

Third reading also agreed to on motion.

# TAVONE ENTERPRISES LIMITED ACT

Mr. Reycraft moved, on behalf of Ms. Collins, second reading of Bill Pr63, An Act to revive Tavone Enterprises Limited.

Motion agreed to.

Third reading also agreed to on motion.

# KITCHENER-WATERLOO FOUNDATION ACT

Mr. D. R. Cooke moved second reading of Bill Pr65, An Act respecting the Kitchener and Waterloo Community Foundation.

Motion agreed to.

Third reading also agreed to on motion.

# GASOLINE TAX AMENDMENT ACT (continued)

# LOI MODIFIANT LA LOI DE LA TAXE SUR L'ESSENCE (suite)

Resuming the adjourned debate on the motion for second reading of Bill 121, An Act to amend the Gasoline Tax Act.

**Hon. Mr. Conway:** On a point of order, Mr. Speaker: The Minister of Revenue (Mr. Grand-maitre) will be away today on a family matter. The parliamentary assistant, the member for Scarborough-Ellesmere (Mr. Faubert), is going to have the carriage of this bill. I would just like the permission of the House that perhaps he could take the minister's seat on this side of the aisle, simply so the member for Nickel Belt (Mr. Laughren) and others might more easily direct their comments through you to him.

**Mr. Speaker:** Any member may sit in any seat during the debate. However, are you referring to the final windup speech?

**Hon. Mr. Conway:** Yes.

Agreed to.

**Mr. Laughren:** I assume sitting in the minister's chair will not go to the member's head.

I rise in opposition to Bill 121, An Act to amend the Gasoline Tax Act. The explanatory note in the bill states, "The purpose of the bill is to increase the tax on gasoline and to impose an additional tax on leaded gasoline, effective April 21, 1988."

The explanation of the bill makes no reference at all to the environment. If this was an environmental bill, one would have thought that under the purpose in the explanatory notes of the bill there would have been a comment as to why it would be regarded by the Minister of the Environment (Mr. Bradley) as an environmental bill. If this government wants to make some impact on the environment in a positive sense, let it do so but not under the guise of an environmental act that simply is designed to increase revenues from the long-suffering motorists in Ontario.

I would not want the parliamentary assistant or the Minister of the Environment to think these are just my paranoid ramblings from Shining Tree, but rather that these are views a lot of people have expressed concerning what the government has done with this bill.

I wanted to quote from a few people who have made statements.

Pat Curran, the Canadian Automobile Association spokesperson, said, "It is a very regressive tax and it hits the little guy the most, the people that can least afford it." Curran said, "Consumers are still feeling the effects of the federal government's 1.1 cent increase this month." This was back in the spring. "The hike in leaded gas could cost a motorist who drives 24,000 kilometres per year an additional \$96 a year at the pumps."



I wanted to quote someone from Sudbury: Oryst Sawchuk, who is president of the Sudbury and District Chamber of Commerce. He called "the sales and gasoline tax increases doubly regressive for northerners since the cost of living here is higher than in the south." He said: "As a result, those tax increases will cost more in actual dollar amounts in the north than in the south. There are not incentives for industrial and tourist development in northern Ontario and the extra money for highway improvements is inadequate."

This is not simply we, as opposition members, complaining about this sales tax grab. It really is just an extension of the sales tax. It really has nothing to do with the environment.

There is an extra cent increase on leaded gas but there is a three-cent increase—as a matter of fact, four cents—on regular gasoline and one cent on leaded. If the government were really concerned about the effect of lead on the environment, it would have reduced the unleaded gasoline tax, not done it the way it has done it.

1510

**Hon. Mr. Bradley:** We need the money to do all these good environmental things.

**Mr. Laughren:** Well, if the government were indeed doing good environmental things, perhaps we would feel differently. It must be months and months now that I have been after the Minister of the Environment to even respond to a letter of mine and he still has not responded to it. I do not know what he is doing in the Ministry of the Environment.

**Hon. Mr. Bradley:** It's in the mail.

**Mr. Laughren:** "It's in the mail." Yes, I know that line. The other line is, "I'm from the government and I'm here to help you." There is a third one I will not use.

**The Deputy Speaker:** Through the Speaker, please.

**Mr. Laughren:** Mr. Speaker, this is not an environmental bill at all and for the minister to pretend it is—if he were really serious about it, I would accuse him of misleading the House, but I do not think he is serious when he says it is an environmental bill and therefore I will not accuse him of misleading the House and the Canadian public.

I want to make a couple of brief comments. I will not go on at length, because other members wish to get in on the debate and others have already spoken about the impact of this bill on northern Ontario.

A few years ago, a Conservative backbencher from Algoma-Manitoulin, John Lane, had a private member's bill that would have equalized the price of gasoline all across Ontario. As I recall, the Liberal caucus at that time supported John Lane's private member's bill. The Tories voted against it; his own members voted against it. Now we get the Liberals in power with the opportunity to do something about the gasoline price differential between north and south, and what do they do? They increase the taxes on gasoline all across the province.

No, not even any kind of pretence that they will do anything about the increased price of gasoline in northern Ontario. They did have a study. They commissioned a study and the study indicated that the price of distributing gasoline in northern Ontario was, as I recall, approximately 1.5 cents a litre extra. Therefore, if there is any greater increase in price, if the differential in price in a northern Ontario gasoline station is more than one and a half cents a litre, then something is wrong.

Perhaps the Treasurer (Mr. R. F. Nixon) said it best in a debate in this chamber. My colleague the member for Lake Nipigon (Mr. Pouliot) was speaking and the Treasurer was talking about the price of gasoline at Earl's Shell. The Treasurer said it was 41.9 cents at Earl's Shell near where he lives, I gather. The member for Lake Nipigon stated, and this is from Hansard, "In Schreiber, Ontario, it was 56.9 cents, a disparity of some 15 cents a litre." That is about 70 or 75 cents a gallon.

The greatest injustice that was ever done to the motorists of this country was when we went on to the metric system. I am not opposed to the metric system overall, I remind members, but nobody took advantage of the metric system like the gasoline marketers in this province and elsewhere. Nobody else did it as they did. They exploited the Ontario public when they went to metric, because they seem somehow now to get away with a cent or two a litre. Anyway, I digress.

The member for Lake Nipigon indicated that while the price may have been 41.9 cents down near Brantford, it was 56.9 in Schreiber, a disparity of 15 cents a litre. Do members know what the Treasurer responded in that debate. He said, "You're being ripped off." The Treasurer said that. If one of the key cabinet ministers of government can say, "You're being ripped off," but then do nothing about it, you wonder what they are there for. Why has something not been



done about the disparities between north and south?

As a matter of fact, if you examine carefully the price differential up north, you will see there is a greater differential between urban and rural centres up north than there is between north and south. It is very clearly a case of charging what the traffic will bear where competition, or the lack thereof, allows them to do it.

**Mr. Faubert:** Right; that is why it is 10 cents more in Ottawa than in Toronto.

**Mr. Laughren:** There is the member for Scarborough-Ellesmere agreeing with me, I gather. If members of the government agree with this, why do they not do something about it? I thought that was what governing was all about, to rectify flaws in the system.

We know, and others have spoken more eloquently than I, that in northern Ontario the prices are already higher, the distances are greater and public transit is not nearly as well developed as in the south. As a matter of fact, in an enormous number of communities, there is no public transit, and yet here, down in Toronto and other major urban centres, public transit is highly subsidized by the provincial government.

Yet is there any question of the government moving in and equalizing prices between north and south to aid motorists in the north? Not at all. This government has done absolutely nothing about equalizing prices between northern and southern Ontario.

When I say I oppose this bill, I do so not simply because it is going to increase revenues to the government. If we are honest with ourselves, we know governments must raise taxes to provide the programs they deliver, and I have no problem with that, but what I do have a problem with is when something is done under the pretence of something else, as in this case, for example.

The Minister of the Environment said this is an environmental bill. That is absolute hogwash. This is simply a way of increasing tax revenues to the government, and the government is not doing with it what it should be doing.

If, for example, tied in with this bill there was a clause or section that said, as in Nova Scotia, that there will be an equalization of prices—in Nova Scotia, the last time I checked, there was a rule that said you could not have more than a 1.7-cent a litre differential, I think, between different parts of Nova Scotia. Would that not be wonderful in Ontario? But we do not have that here. The government has the authority to do that. We are talking about retail prices. We are

not talking about wellhead prices or prices at the border. We are talking about retail prices.

As long as the government sits back on its fat haunches and just assumes the marketplace will dispense justice, this is the kind of action we are going to get.

For those reasons, I am happy to join with my colleagues in opposition to Bill 121, which is simply another tax grab by the Liberals.

**Mr. Morin-Strom:** I am pleased to be able to speak on Bill 121, An Act to amend the Gasoline Tax Act, but I am certainly not pleased to see what the actual content of this act is.

Here we have Ontario sticking it to the people, the consumers of this province, again, with another price hike in taxes, a regressive tax, one that hits particularly hard against drivers in more remote areas, in areas where highways and the use of cars are absolutely essential to everyday life. I particularly express concern, for those of us in northern Ontario, that in its first budget after its election as a majority government, we see this Liberal government moving an increase in gasoline taxes.

In fact, as I remind the government members, during the minority government of 1985 to 1987, there was a very important item included in the accord agreement between the New Democratic Party and the Liberals that gave this Liberal Party the opportunity to govern the province for the first time in over 40 years. That item specified that this government was to have a freeze on the ad valorem taxes it was applying to gasoline in Ontario and during the period of that minority government we saw no gasoline tax increases from this government.

1520

Now that the government has been loosened from the binds, I guess, of the NDP and the kind of protection we were providing to the people of Ontario, we have the government sticking it to the people of the province and increasing gasoline taxes again, as was the common practice of the former Conservative government.

This tax is one of the most regressive taxes we have. The distances people drive their vehicles are not based on ability to pay, on the wealth of the individual. They are based on the needs to move one's family around and to be able to get to work. The fact that people have to drive their vehicles results in relatively equal amounts of driving in any particular area, whether you are at the lower end of the income scale or at the upper end. So a tax like this hits low-income earners very severely in terms of the percentage of their income they have to pay into taxes.



We know the comparison between the kinds of prices we pay for gasoline here in Ontario and those paid in other jurisdictions, particularly in the United States, where they recognize that at least in terms of gasoline tax it is inappropriate to use that as a major source of revenue.

I suggest this government should be looking at other, more progressive ways of raising tax revenues, and perhaps applying a tax, in terms of corporate taxes, to the oil companies and other major corporations that have not been paying taxes in recent years. This would be more appropriate than applying this kind of regressive tax to the consumers of this province.

We in this party, certainly myself in particular, have been very strong advocates of the concerns about the cost of transportation for the residents of this province, particularly in such areas as northern Ontario. During the minority government we had a study commissioned, as a result of the accord agreement, on north-south gasoline prices. This study, which was issued to the government in 1986, came to a conclusion that any of us could have told the government at that time. There were basically three conclusions about the causes for price differentials between southern Ontario and northern Ontario.

We know that in northern Ontario those price differentials are far out of line solely with the cost of transporting gasoline to northern Ontario. The causes of the price differential in this report are, first, that "the market in the south is larger and therefore experiences more competition"—we certainly know that; second, that "average volumes per outlet are lower in the north, changing the retailers' attitudes towards gasoline and making them less aggressive"; third, that "the distribution and retailing of gasoline in the north are less efficient than in southern Ontario."

There is something wrong with the free market system when it comes to gasoline pricing in northern Ontario. There were some graphs done by this study on pricing levels in a comparison of communities in northern Ontario and southern Ontario. One might look at figure 2.5 for the comparative population centres of Sault Ste. Marie and Guelph, two communities about the same size.

Over a period of months, the price in Sault Ste. Marie only had one change over a period of nearly six months. In Guelph, the price was up and down as there was some competition in that market. In Sault Ste. Marie, the only pricing factor in this particular period was a federal sales tax increase of two cents a litre.

What typically happens in the north is that the major integrated oil companies get together and determine a price. They specify those prices to the retailers. I have talked to many of the retailers in Sault Ste. Marie. They are not given the flexibility to be able to compete on a price level. They are told by their distributors in Toronto what price they have to set in northern Ontario and those are the prices that are established.

As a result, we have a comparison between Sault Ste. Marie and Guelph where the difference in prices ranged anywhere from, at the lowest, about five cents a litre up to as much as 13 or 14 cents a litre over a period of six months.

The cost of getting the gasoline to these centres is probably quite comparable. In southern Ontario, distribution to a city like Guelph would be by tanker truck. In Sault Ste. Marie, the gasoline would be handled by major vessels on the Great Lakes, which would be a very low-cost source of transportation, and so that cop-out, that the transportation costs are the major difference, is not the case at all.

We have other evidence from studies done by the Ministry of Transportation less than a year ago. It issued a survey report on Public Attitudes towards Provincial Highways. This particularly reveals the kind of discrimination we face in northern Ontario.

In section 3.6 they have the total annual distance travelled on public highways by region. I quote from the report:

"Highway users in the central region, excluding Metro Toronto, on average, travel about 14,000 kilometres on the provincial highway system, 16,000 kilometres in the eastern region, 15,000 kilometres in the southwestern region and 15,000 kilometres in Metro Toronto." However, on average, "highway users in the northern region travel 32,000 kilometres, while those in the northwestern region average 30,000 kilometres per year."

We have drivers in northern Ontario averaging over 30,000 kilometres per year, while the drivers in southern Ontario, particularly in Metro Toronto, are averaging approximately half that.

This is a tax that is based on the amount of driving you do and means northern drivers are paying at least double the tax of drivers in southern Ontario, a tax that is absolutely unconscionable given the kinds of disadvantages we have in northern Ontario, particularly when it comes to transportation services.

We do not have the kinds of highways they have in southern Ontario. The government has been remiss in providing us with highways equal



in quality to those in the south, and as a result we have problems of competitive pressures. There are higher costs to our businesses in having to compete and get their goods and supplies from southern Ontario and into markets elsewhere in Canada and the United States.

Certainly, this kind of tax regime is one that is totally unfair. This government could be moving to a fairer tax system on gasoline taxes, one that better reflects the ability to pay and who is paying these taxes. There is no reason why residents of northern Ontario should be forced to pay double the highway taxes and gasoline taxes of residents of southern Ontario.

I ask that all members of this Legislature oppose this bill. We are strongly opposed to this gasoline tax increase. We feel that it is an extremely regressive one. We want to see the government act, as has happened in other regimes. In Nova Scotia, there is a government that has an energy board that has some powers over gasoline prices.

**Hon. Mr. Bradley:** And look how high their prices are.

**Mr. Morin-Strom:** Their prices at least are fairer.

**Hon. Mr. Bradley:** They are high, though.

**Mr. Morin-Strom:** Admittedly, they do not have the refineries in Nova Scotia. We have the refineries here and we can have a fairer system of gasoline prices and of gasoline price taxation here in Ontario. We know that in communities like Sault Ste. Marie, today about 40 per cent of the drivers are buying their gasoline not on the Ontario side of the border, but are buying it in Sault Ste. Marie, Michigan.

The prices there are the equivalent of about 30 to 31 cents a litre for gasoline in comparison with prices up in the mid-40s to high 40s in Sault Ste. Marie, Ontario. As a result, we see drivers in Sault Ste. Marie going to Sault, Michigan, to get their gasoline, and while they are over there, they are buying a lot of other products as well and bringing them back, taking business away from Ontario.

**Hon. Mr. Bradley:** They pay for their own health care, too, over there.

**Mr. Morin-Strom:** I am not advocating that we become a part of the United States, as the minister quite rightly and well knows. We have a lot of advantages in comparison with the United States, but our highway system is not one of them, nor is the kind of tax structure we have when it comes to gasoline prices.

1530

**Hon. Mr. Bradley:** You don't want tolls on the highway, though.

**Mr. Morin-Strom:** The minister brings up a point about the United States. The highways are a particular concern when, in northern Ontario today, the only major divided four-lane highway into northern Ontario ends at the Sault Ste. Marie International Bridge. It is the highway in Michigan, I-75, which goes through the United States clear down to Florida. That is the only major highway that connects into northern Ontario. It is an embarrassment that we do not have that kind of highway going through this province.

We have what we call our Trans-Canada Highway going through Ontario, a two-lane highway which does not deserve that name in terms of the investment this province has put into it, a highway that we should be proud of, that should be a vital link in tying together the economy of northern Ontario, that is critical to the future development of industry in northern Ontario.

This government has a time frame in terms of the four-laning of that highway which is going to see it four-laned within maybe 100 years, if we are lucky. In the last two years, they have put less than 10 miles—in fact, it was less than 10 kilometres—of divided highway into northern Ontario in each of the last two budgets of the Ministry of Transportation. We have a highway that is going to take over 1,000 kilometres to cross northern Ontario. We are looking at a program that is going to take maybe a century for this government at the rate it is investing in that highway.

As stated in the government's own study, we know that drivers in northern Ontario are putting in double the mileage of drivers in southern Ontario. Based on the current tax regime, when we pay on a per litre basis, we are therefore putting in double the gasoline tax, but we are not seeing it come back out in terms of the highway construction going on in the north and the commitment of this province to highways across northern Ontario.

Throughout this government's whole tax revisions in the first budget since the new majority Liberal government has been elected here in Ontario, we have had a Treasurer who is committed to regressive taxation. He has increased sales taxes by one cent. He has increased taxes in this case very seriously on gasoline prices. We have a Treasurer who is doing nothing about the high level of property taxes that is being



faced, particularly when it comes to servicing the costs of education and social services in our local communities.

We have a Treasurer who is now in bed with the federal government in terms of a national sales tax. We know he is the principal player in those negotiations. A major national sales tax cannot go ahead without the agreement of Ontario and the commitment of this province to be a part of Michael Wilson's program. We have the possibility of seeing not only an eight per cent sales tax but a national sales tax of anywhere from 16 cents to 19 cents on the purchase of not only goods, as we have had in the past, but now services across Ontario.

Certainly, this government deserves to have the castigation of the people of this province on all its items of tax reform. We have seen the biggest tax grab in Ontario's history in this last budget. I guess the Treasurer feels he has to stick it to the people of Ontario as quickly as he can in the new regime, and perhaps by the fourth year he might be able to give something back.

This whole tax program should be rejected by the people of this province. Certainly, it is going to be rejected by the members of the New Democratic Party, most particularly this severely regressive increase in gasoline sales taxes which is going to be a real hardship to consumers across the province and a real economic disadvantage to those of us from northern Ontario.

I ask that this House turn down this tax increase, and I will be voting against this bill.

**The Acting Speaker (Mr. M. C. Ray):** Are there any comments or questions?

**Mr. McCague:** Just a couple of comments. The member for Scarborough-Ellesmere is in the same boat as the Minister of Revenue was. He has these nasty bills foisted on him by the Treasurer and really is powerless to do anything about them, even though we make some excellent suggestions in this House as to how they could be renovated or, more particularly, how they could be made more palatable to the people of Ontario.

As has been mentioned by the member for Nickel Belt, if it was an environmental bill, people probably would buy the increases that are involved in it. If it was dedicated to roads or traffic, Students Against Driving Drunk or any of those things, people would weigh it in view of what the end use of that money was, but the way it is, we really do not know.

This member for Scarborough-Ellesmere knows how vehemently the Treasurer opposed the ad valorem tax when he was in opposition.

When he was surprised, as he was, to get into the government, he had no choice but to get rid of the ad valorem tax and find another way to add more than we would have had to pay through the ad valorem tax. It really is a kind of mess they have made of it, but I do not blame the member. He can carry those words back to the Treasurer.

**The Acting Speaker:** Is it understood by the House that if the member for Scarborough-Ellesmere speaks on this, he is wrapping up the debate on this issue?

**Mr. Morin-Strom:** Do I get to respond?

**The Acting Speaker:** If you wish to respond to the member for Simcoe West, yes, you may.

**Mr. Morin-Strom:** He was responding to me, right?

**The Acting Speaker:** Yes.

**Mr. Morin-Strom:** I find it disturbing that the Minister of Revenue is not here to stand up for his own tax bills and I find it even more disturbing that the Liberal Party is not represented in this House. The fact that we have in this House at this time no cabinet ministers and only six out of 94 members of the Liberal Party is an absolute embarrassment. Mr. Speaker, I would suggest that in fact we do not even have a quorum in this House and would ask that you confirm the same.

The Acting Speaker ordered the bells rung.

1539

**The Acting Speaker:** A quorum is now present. The member for Sault Ste. Marie may continue.

**Mr. Morin-Strom:** I am done.

**The Acting Speaker:** The member for Scarborough-Ellesmere to conclude the debate.

**Mr. Faubert:** A number of comments have been made concerning the tax increases contained in the Gasoline Tax Amendment Act in relation to the impact of the increases on particular sectors of the provincial economy and on specific groups within the province. I think we will all concede that no tax increase is without some impact, although I must say that I think the negative effects of this particular increase have been significantly overstated by the opposition's spokespersons.

In response to comments by the member for Beaches-Woodbine (Ms. Bryden) and the member for Nickel Belt, and including other members of the opposition who state that this increase in gasoline tax is unfair because it is regressive, it may be of interest to the members and all who make this argument to know that in order to raise the \$1.2 billion it is expected that the gasoline tax

will provide in 1988-89, the provincial income tax, which is a so-called progressive tax, would have to be raised by 10 per cent. I would like to know if this is what the opposition is actually advocating.

The positive impact that has been largely overlooked in all the comments by the opposition is the fact that the additional revenue raised is allowing the government to provide additional capital funding to the Ministry of Transportation and the Ministry of Northern Development to finance important improvements to the province's transportation network.

Indeed, in relation to the impact of this increase on the north, my colleague the Minister of Northern Development (Mr. Fontaine) has stated previously in this House that this government's initiatives in funding projects in the north through increased expenditures on highway and other major programs more than offset the economic cost of the increased cost of gasoline in northern communities.

Le cas de la taxe supplémentaire sur l'essence au plomb illustre bien comment une politique budgétaire peut contribuer directement à assurer les objectifs du gouvernement.

In this case, the tax increase on leaded gasoline is helping to reduce lead emissions and is contributing to the creation of a cleaner and healthier environment.

I would also point out to the member for Nipissing (Mr. Harris) as well as to other members who categorize an increase of three cents per litre on leaded gasoline as a regressive tax on the poor—a point that was also raised, I believe, by members of the third party—that Environment Canada estimates that only 2.2 per cent of all automobiles on Canadian roads today actually require leaded gasoline for operation. The extra three cents per litre was intended to remove the price advantage which some drivers obtained through the use of leaded gasoline, although their vehicles could operate equally well on unleaded gasoline.

I am happy to report that between April and October 1988, sales of leaded gasoline in Ontario have decreased from 28 per cent of the total gasoline sales to only 16 per cent of total gasoline sales to date, thus contributing to a healthy environment for all Ontarians. The additional tax has in fact succeeded in addressing the price advantage that leaded fuel had over unleaded fuel prior to the budget. The result has been an acceleration in the decline of leaded fuel sales in this province. This measure is working in

precisely the manner in which it has been intended.

**The Acting Speaker:** Mr. Grandmaitre has moved second reading of Bill 121.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

There being at least five members standing; we will have a division at 5:45 on Bill 121.

Vote deferred.

## RETAIL SALES TAX AMENDMENT ACT (continued)

### LOI MODIFIANT LA LOI SUR LA TAXE DE VENTE AU DÉTAIL (suite)

Resuming the adjourned debate on the motion for second reading of Bill 122, An Act to amend the Retail Sales Tax Act.

**The Acting Speaker (Mr. M. C. Ray):** I understand that the member for Hamilton Mountain (Mr. Charlton) had the floor at the time that the debate was adjourned.

**Clerk of the House:** He has completed his remarks.

**The Acting Speaker:** The next speaker will be the member for Cochrane South.

**Mr. Pope:** I would like to thank the members of the opposition and the government for their co-operation. I am pleased on behalf of our party to speak on the matter of yet another piece of Liberal tax legislation, Bill 122, An Act to amend the Retail Sales Tax Act. As critic for our party with respect to the Revenue and Treasury portfolios, I would like to briefly summarize the positions that the member for Simcoe West (Mr. McCague), the member for Markham (Mr. Cousens), the member for Nipissing (Mr. Harris), the member for Carleton (Mr. Sterling) and the member for Mississauga South (Mrs. Marland) have all brought before this House in the matter of the tax bills proposed by our Liberal government.

With respect to the increase in the retail sales tax, we feel this increase is unnecessary. Without any tax increase whatsoever being proposed by the Minister of Revenue (Mr. Grandmaitre) or the Treasurer (Mr. R. F. Nixon), government revenues would have increased this year by 8.2 per cent or \$2.8 billion. That is without a single tax increase. Additional economic activity in this province would have generated \$2.8 billion in additional revenues for the provincial government to administer its programs, and that is



without one, single, solitary tax increase. In spite of those additional revenues in the hands of this Liberal government without any tax increase, it chose to grab off another \$1.3 billion in new tax increases from the taxpayers of Ontario.

This year, the Ontario government tax revenues will be 72 per cent greater than they were in 1984-85 and retail sales tax collections will be up by more than 75 per cent since the year 1984-85. That is the size of the tax grab this government is responsible for since it came into office. Those kinds of staggering increases are coming directly from the pockets of the residents of the province, from the working men and women and their families here in the province.

There is no doubt about it. All the studies have shown this in terms of sales tax programs. The low-income and middle-income classes are going to bear the brunt of this tax increase, as they do the increase in gasoline tax and as they do the increases in anything other than the progressive income tax system. So the sales tax will hit the middle-income and low-income the hardest. This increase will be an additional burden on the low-income and middle-income families in this province. The Liberal government did not need it but chose to take it anyway. We do not think it was necessary.

We have seen additional increases from this Treasurer and the Liberal government of Ontario on virtually everything since they came to office. The effects on the cost of housing are clear from increases in the land transfer tax that this Liberal government brought in. It is an extra \$200 million from increased land transfer tax this year alone. The tax now equals almost one per cent of the value of real estate conveyed in Ontario, according to the former president of the Ontario Home Builders' Association.

The tax that will be levied on things like asphalt mix and ready-mix concrete will increase the cost of a \$200,000 home by \$900. These are all additional costs that people who are now having trouble affording a new home or a first home in this province are going to be facing, and it is all because the Treasurer and the Liberals decided, as a political strategy, that \$2.8 billion in additional tax revenues in their pockets and out of the taxpayers' pockets was not enough; they wanted to add \$1.3 billion to it.

In our respectful submission, we do not think it is right; we do not think it is fair or just, and we think the proper course of action for the Liberal government of Ontario would be to get its expenditures under control.

I want to deal with the justifications I have heard from time to time from the Treasurer and the Premier (Mr. Peterson) with respect to these tax increases. First of all, there is some suggestion by the Premier, and even the Treasurer in his weaker partisan moments—the Premier has made it in the Legislature over the past few weeks and particularly before the last federal campaign when it was politic to do so—that one of the reasons for this additional revenue is that there will be reductions in federal transfer payments and they have to protect Ontario and the Ontario government from the consequences of this reduction in federal transfer payments and federal support for essential programs delivered to the people of Ontario.

1550

The fact of the matter is that in the standing committee on finance and economic affairs last Thursday, the experts from the Ministry of Treasury and Economics prepared graphs on revenue sources that they made available to the committee members, which show that they themselves are not predicting any reduction in federal transfer payments or federal support for provincial programs; none whatsoever.

In spite of what the Premier was saying for political purposes immediately prior to the election and in spite of what the Treasurer was saying in his weaker partisan moments, the Liberals now admit in the committee, from their own experts, that federal transfer payments will account for 15 per cent of revenues this coming year as they did last year and approximately the same amount, on a percentage basis, as they have for the past three years.

**Mr. Harris:** In spite of the fact that they're spending double the rate of inflation.

**Mr. Pope:** In spite of the fact that every budget of every department of this province has increased and in spite of the fact that revenues are increasing substantially because of the tax increases the Treasurer and the Premier are bringing to the people of this province, the proportion of federal revenues is not decreasing whatsoever; it is remaining the same.

In other words, even more money is flowing from the federal government to the provincial government in the coming economic year. The government's own experts have predicted it. Its own experts in the committee have given us those figures, and that is their basis for preparing the next budget. So let's get the facts on the table and never mind the partisan red-tie dance that we have seen from the government party over the last three months in this Legislature.



The second excuse the Premier and the Treasurer give for the increase in taxes that the working men and women and their families will have to pay in Ontario is that they want to maintain basic services to the people of Ontario—the basic services of hospitals and highways and social services.

The one cabinet minister who is here is nodding in agreement, so I want to just talk about basic services. I want to put this in the context of the maintenance of those basic services which are given as the excuse for raising taxes in this province. I want to compare the state of basic services in Ontario now, on a ministry-by-ministry basis, and the state of increases in ministry administration budgets since the Liberals came to power, as they pay more for administering those basic programs compared to what basic programs they are delivering.

Let's talk about the Ministry of Colleges and Universities. It is clear now and it has been clear in conversations with administrative boards and directors of innovation centres in our community colleges across the province that funding is going to be withdrawn, that these are going to close down in the spring. There is no financial commitment forthcoming.

For instance, it is clear in Ottawa that the innovation centre at the local community college will be closed down. That is almost an accepted fact now in the community college locations across this province. It is now clear that community colleges are expecting even more cutbacks, and we saw this in the discussions with respect to Brock University and other community colleges across this province over the past few months.

More cutbacks are coming. There is going to be a reduction in the available courses in our community colleges for our young people. There is going to be a reduction in the number of student positions available because of basic government decisions. We are not getting more financial support for the community college system. We are not getting more support for the university systems. We are getting cutbacks. We are getting reductions in student positions. We are getting reductions in courses.

At the same time that these basic services, which the Premier gave as an excuse for raising taxes, in reality are being cut back, the ministry administration budget of the Ministry of Colleges and Universities has gone from just over \$3 million in 1985-86 to \$5,912,023 in 1988. While they are cutting back on the basics of college and university education, they are increasing their

own ministry administration budget for themselves in Toronto by \$2.8 million—a 90 per cent increase in administering even fewer programs for the college and university students of this province.

With respect to education, the record is clear. We now have a record number of portables. Some schools have more portables than classrooms. It is clear that the support of the provincial government for school boards across this province as a percentage of total budget expenditures is dropping significantly, not increasing. It is clear that we are going to see a recalculation of the grant systems by the Treasury boys so it will look as if the percentage is higher, but in reality it will be lower again in the next budget.

With all of these basic services—and there is no doubt that this is the perception across the province—while the financial support for the boards of education is dropping dramatically, while we have a record number of portables and all of the problems of the education system that are not being attended to, the Ministry of Education administrative budget went from \$2,368,000 in 1987 to \$3,292,000 in 1988, a 40 per cent increase in one year. While they are reducing services to the boards of education to the high school students of this province—thank you very much—they are increasing their own ministry administration budgets down here in Queen's Park by 40 per cent in one year.

What about the Ministry of Health? We have heard stories about bed closures and what they have done to the good people of Cambridge and the Cambridge Memorial Hospital. That has been in front of us in the Legislature. We have seen stories about bed closures at Mount Sinai Hospital and how bed closures are going to be a way of life. We have seen complaints of hospital administrators about a lack of adequate financial support from this government for basic and new services in our hospitals. We have seen the ambulance services in disarray, with absolutely no air ambulance available in Timmins last weekend, for instance. We have seen the threat by the Canadian Red Cross Society, a very responsible group, to close down the homemaker services in this province starting on January 21.

With all of those cutbacks in basic services—and remember, the Premier said we need these additional taxes to maintain basic services and approve them—in the Ministry of Health, what do we have in terms of administrative expenses in the Ministry of Health? We have a ministry administrative expense in 1985 of \$88,227,000



and by 1988 it is \$120,462,000, an increase of \$32,235,000. They will take care of themselves down here, thank you very much, but hospitals and basic health care services can suffer. The taxes are going to pay for more staff and more administration expenses and they are not going to the hospitals and the health care programs across this province.

Let's talk about the Ministry of Labour. There are fewer health and safety inspectors than under the previous government. There are Workers' Compensation Board delays and Workers' Compensation Appeals Tribunal delays of three and a half years that can be documented, in getting simple justice for workers under the workers' compensation system. Assessments from the Workers' Compensation Board are increasing dramatically. Reforms are socking it to the injured workers.

All of these problems are indicated in the statistics on industrial deaths, accidents and disease in this province, which continue to be unacceptably high and increasing dramatically. At the same time, the Ministry of Labour ministry administrative expenses in 1985 were \$12,803,000. By 1988, they were \$26,115,000, a 110 per cent increase in administration expenses. And that is not with respect to field services; that is a different element in the budgetary allocation of the Ministry of Labour. They are ministry administration expenses, while the basics of the Ministry of Labour are not being given the priority they deserve.

What about the Ministry of Skills Development? There is an almost complete breakdown in the local offices in Ottawa—I know this for a fact—in terms of counselling for workers who are trying to be upgraded and those who want to get access to apprenticeship and retraining programs. With all of this reduction, which is clearly seen in the Skills Development portfolio across this province in local offices and in programs province-wide, we see the Ministry of Skills Development administration budget going from \$4,034,000 in 1985-86 to \$14,941,000 in 1988, a 220 per cent increase at the same time that the basics for the people of Ontario who need it the most are being reduced.

#### 1600

What about the Ministry of Northern Affairs? Their great beacon of hope was the heritage fund announced almost two years ago, \$35 million a year. Not one dollar has been spent and not one dollar will be spent in this current financial year. Not one dollar has been spent.

There have been no new economic development initiatives in the private sector sponsored in northern Ontario since this government came to power, but oh boy, did they take care of the ministry administration expenses for the Ministry of Northern Development. In 1985, they were \$3,771,000; in 1988, they were \$14,390,000, a 300 per cent increase. They sure took care of the administration, but there were no heritage fund disbursements and no organization or programs to help northern Ontario industries to create new jobs.

Let's look at the Ministry of Tourism and Recreation. Clearly, we have seen cutbacks in basic support programs for travel grants for people from eastern and northern Ontario. There is clear evidence now, in spite of the denials of the then Minister of Tourism and Recreation. We have seen the changes with respect to lottery legislation and the complaints of recreation people and groups across the province.

But at the same time as these reductions in financial support were taking place for recreational facilities and services basic to the recreational needs of people across this province, they sure took care of themselves. In 1985 it was \$18,227,000 for ministry administrative expenses; by 1988 it was \$21,372,000, an increase of over \$5.5 million, or 35 per cent, while they were reducing their commitment to the basics that the Ministry of Tourism and Recreation was offering.

**Hon. Mr. Wrye:** Your math is wrong.

**Mr. Pope:** I am sorry, my math was wrong. I will go over that again. I thank the minister for reminding me. I gave the minister the wrong numbers. It was \$18,227,000 in 1985. In 1988 it was not \$21 million; it was \$27,495,000, or \$6 million more than I thought. That is \$9,268,000 more, and that is a 50 per cent increase over the 1985 base. I thank the minister for allowing me to correct that.

Everyone knows that the housing market in Metropolitan Toronto is in worse shape now than ever and that the problem with the homeless in this great community is greater now than it has ever been. We have seen nothing but failure after failure after failure of this Minister of Housing (Ms. Hošek) to meet the targets that the Premier and the Treasurer promised in budgets and the speech from the throne. Every single target they have set out has not been met, but at the same time they sure took care of themselves in ministry administration budgets. In 1985 it was \$15,814,000, and by 1988 it was \$21,372,000,



and that was a 35 per cent increase in their budget.

We see the Minister of the Environment (Mr. Bradley) spending all sorts of time on diplomatic missions to Washington in a failed acid rain strategy. Any objective assessment will say that it has been a failure in terms of getting any action, but it is very politically sexy, so the Minister of the Environment has embarked on that at the same time he has refused to solve the basic problems of garbage and the disposal of waste in the metropolitan areas of this province.

Those basic decisions have never been further away. There has never been a greater crisis. It has been reported in newspapers across this province, and that crisis has not been addressed or met by this government. But at the same time, the ministry expenses of the Ministry of the Environment have gone from \$18 million in 1985 to \$30 million in 1988, a 66 per cent increase. They sure took care of themselves, but when it came to the basics of disposing of waste and getting a proper garbage disposal system in this province, they failed the test. The basic services were not provided.

Of course, the crowning touch is the Premier's office, the operations of the Premier himself, who says he is just spending the same amount that Frank Miller spent. What he did not tell the people of Ontario was that he has neatly shifted some of the expenditures from his own office to the cabinet office. Here is what the true numbers show; they are from the government's own budgetary documents. In 1985, the cabinet office budget was \$3,390,000. By 1988 it was \$5,401,000, approximately a \$2-million increase or an increase of 60 per cent. They sure take care of themselves and their friends, but when it comes to the basics they are found wanting.

I want to go back and reiterate the two excuses that were given for an increase in taxes to the people of Ontario, the taxes that working men and women and their families have to pay. They were a federal reduction in transfer payments—that is not what the Treasury experts have said—and a need to provide money for basic services to the people of Ontario. In fact, the basic services have never been in sorrier shape.

That is the actual history of this government's performance. They do not deserve to have this additional revenue. They have not shown they can manage the basic services of the province.

In fact, they have shown a real propensity to mismanage basic programs, to the detriment of the people of this province. They have not shown

any fiscal responsibility. They will cut everyone else back, but not their own ministry offices, not their own administrative expenses. Everyone else will pay the shot because they do not have their act under control over there.

What are the consequences on a regional basis here in the great city of Metropolitan Toronto? A garbage crisis, a housing crisis, a crisis for the homeless, a crisis with respect to family benefits pensions and a crisis with respect to basic transportation needs at Pearson International Airport and other places.

When we talk about eastern Ontario, we see the promises made by the Premier in 1985 when he said the Queensway would be finished by 1986 or 1987. He laughed at the Progressive Conservative completion date of 1988. He said that was irresponsible, that he wanted to speed up the completion of the Queensway and that he would have it finished by 1986 or at least by 1987. Now what do we have? A projected completion date of 1993.

We now see the Premier's performance with respect to the federal space agency announced in October 1986. On January 15, 1987, my colleague the member for Carleton asked the Premier what he was doing about getting that federal space agency in Ontario, in the capital region. What was his answer? He did not know much about it. What did the government do about it after that? They wrote two letters to the federal government. In the meantime, Quebec was having dozens of meetings with respect to the establishment of this federal space agency.

Only in September 1988, for partisan purposes, did the government decide to accelerate its sensitivity about the location of the federal space agency in Ontario and start to make it an issue. They could not even convince John Turner, the federal Liberal leader, to support their position.

Clearly, there was nothing that this provincial Liberal government did to help the good people of the national capital region to get this federal space agency. They talked a big story when it came to a federal election campaign, in the hope of getting some partisan advantage of it, but before then they did nothing of substance to try to get that agency into Ontario.

Look at the support for the Carleton Roman Catholic Separate School Board. It was one of four leading growth areas around the province. The other three have received from 50 per cent to 100 per cent of their capital requirements. The Carleton board has received 15 per cent, at most, over the last three years. In some schools, there



are now more portable classrooms than classrooms integrated into buildings.

There has been virtually nothing for eastern Ontario in budgets and throne speeches. The one sign of progress we have seen is the removal of the Eastern Ontario Development Corp. office to Pembroke. While they closed the micro-electronic centre in Ottawa, while they closed the innovation centre at the University of Ottawa, they did move the EODC to Pembroke.

What about the small hospitals in the Ottawa region that are now being penalized by the Minister of Health (Mrs. Caplan)? What about even the holding of Liberal events associated with the Grey Cup when all of the local members, except for the one opposition member, the member for Carleton, are invited at taxpayers' expense to functions that the opposition members are not invited to?

**1610**

That is what the Liberal members mean for eastern Ontario: No substantive progress; the basics not being done; no support for eastern Ontario, its innovation centres, its universities, its institutions and structures; no support for the basic industries that add employment to eastern Ontario. It is a complete disgrace, the record of this Liberal government in eastern Ontario.

What about northern Ontario, the Temagami issue, where William Milne and Sons lumber is closing down because of the inaction of this Liberal government? They are going to spend much money on studies and consultants for the Temagami region; and if they had put that money into helping Milne lumber, it would be surviving today and those jobs would not be at risk, would not be lost.

What about the reforestation programs? It is clear that there has been an actual reduction in reforestation support from this government out of the Ministry of Natural Resources in the last year. It is clear that the Ministry of Natural Resources has embarked on a path of the destruction and dissolution of the private tree nurseries that have produced millions of seedlings for the reforestation program in eastern Ontario. Half of them are up for sale now and the rest will be closed in the next year, because of deliberate decisions made by the Ministry of Natural Resources to wind them up.

Roads budgets for access for reforestation purposes are at an all-time low. The decision with respect to the provincial parks denies northerners the right of economic access to these lands to earn a livelihood for themselves and their families as they have traditionally done in the

past. The northern Ontario heritage fund has become a joke, even to those who sit on the councils, because this government will not disperse a single dollar with respect to the heritage fund.

The government did not address the gasoline tax it promised to address for northern Ontario. In fact, northerners are paying double the taxes on a yearly basis, in total dollar terms, as the rest of the province, because they drive twice as far. The answer of this government is that it is environmentally sound. I guess they think we should use snowshoes to go from one community to another when we need to do so. That is their indication of environmental sensitivity.

As we go over the urban centre of Toronto, northern Ontario and eastern Ontario, region after region is being alienated by this government, because it refuses to recognize regional priorities and it refuses to work with regional interest groups and economic groups. It believes that it has all the answers within these four walls and no one else counts in this province.

They have the right to increase their ministry administration budgets as they talk to each other and send each other memos, but when it comes to the basics in every region of this province and for the people of this province, they are found wanting. They do not have the same sense of urgency, the same understanding of the problems that they should as a government for this province.

For all of those reasons, we are not prepared to support any tax increase of any nature whatsoever, not this retail sales tax increase, which is unwarranted and unjustified, the increase in the gasoline taxes, all of the other tax increases; \$1.3 billion out of the taxpayers' pockets, people who cannot afford to pay more, in addition to the \$2.8 billion in additional revenues they took anyway, without tax increases, to mismanage the basic programs of Ontario that people have grown to accept and need and depend upon. They are being mismanaged.

At the same time, the real spending priority of the Liberal government of the Premier and the Treasurer is to increase their own staff at Queen's Park, increase their own administrative expenses and increase their own main office expenses as they hire their Liberal friends. In the meantime, the basics that people have a right to expect are not being done.

For all of these reasons, we will not support this legislation. We will not support any legislation to increase taxes. We have no confidence in this Liberal government. We do not think it is



committed to providing the basic services to the people of Ontario. We know that, with our words and the words of the members of the opposition party, the New Democratic Party, we have convinced the members of the Liberal government to vote with us against this tax increase.

The Liberals know it is not necessary; they know we do not need it; they know it is unjust; they know this money is being mismanaged. It is the taxpayers, the men and women of this province, who are suffering because of this neglect and mismanagement. We ask them to join with us now in voting against their own government, to clean up the act of this government, exert their influence in the caucus, get it to properly administer its programs, as we have a right to expect, get the minister's office expenses under control and let us have the basics delivered for the benefit of the people of Ontario.

**Mr. Daigeler:** I would just like to make a few comments on what the member for Cochrane South (Mr. Pope) had to say about what he calls the lack of services.

I would like to point out to him, for example in the area of colleges and universities, that the operating grants to the universities since 1985, when this government took power, have increased by 25 per cent. There have been \$124 million given towards greater accessibility of our universities to all levels of students from across the province, and \$273 million have been committed to 58 post-secondary capital projects. That is the record of government service that the member for Cochrane South fails to recognize and apparently does not want to pay for.

In the area of education, I would like to point out to the member, on the capital side again, that from a measly \$75 million in 1985 capital grants, we have increased this to \$300 million a year over three years. I will agree with the member for Cochrane South that this is still not enough; however, it is not possible within a fair and reasonable government to make up within three years what the Tories failed to do over 10 years.

The situation we are in, especially on the capital side, is due to the neglect of the Progressive Conservative government, of which the member for Cochrane South was a very important member and for which he has to assume his responsibility.

We have shown over the last three years that we are prepared to increase the capital stock and not burden future generations to pay for it. We are willing to increase the taxes now, pay for it now and have the benefit of new and good capital facilities for our children.

**Mr. Harris:** I have a question for the member for Cochrane South. I was surprised to hear him say in his remarks that he was at the meeting of the standing committee on finance and economic affairs, where the provincial officials from the Ministry of Financial Institutions were laying out documents that indicated that transfers from the federal government are not only keeping pace, but they are keeping pace with the total expenditures which this government has been making.

As we know, this government has been spending at double the rate of inflation. We also know that the Premier, the Treasurer and others, even pre-election and post-election, were going around this province, saying, "We have to tax more, we have to raise more revenue, because the feds are cutting back here, they are cutting back there."

So something is not jibing. When it is politically opportune, the Premier and the Treasurer are saying one thing publicly, yet the officials of the ministry themselves, when they are finally questioned and have to produce the documentation before the finance committee, have produced these documents that indicate the federal government is still paying the same percentage of the income of this government.

When we look at the spending at double the rate of inflation, the tax dollars coming in at double the rate of inflation, the question I have to ask is why, in this booming province, is the federal government giving so much money to us? Surely it is aware of the way it is spending like drunken sailors. Surely it is aware that the money is being wasted. It has responsibility for the whole country. There have been responsible governments, some of them even Liberal, where, if we look at their budget increases, they are in the four per cent or five per cent range. But ours are double. Why is the federal government wasting all this money, giving it to Ontario, which in turn is throwing it away? I do not understand that.

1620

**Mr. J. B. Nixon:** I am enjoying watching the member for Cochrane South and the member for Nipissing begin their leadership campaigns by selling themselves as voices in the wilderness, telling us what we know. I just want to let these guys know that we do not agree with them and they really do not know what we know. What they know may be based upon their assumption of facts, their twisting of facts and their deceptions which they may try to practice upon us. But that has nothing to do with what we think,



so whatever they have to say, do not presume that it is what we think.

**Mr. Pope:** First, the member for Nepean (Mr. Daigeler) took great pride in a 25 per cent increase in transfer payments to the colleges and universities. I thank him very much for making my point because the ministry administration budgets went up by 90 per cent in the last three years; a 90 per cent increase in ministry administration. That is a ministry administration completely out of control and, I might say to the member for York Mills (Mr. J. B. Nixon), that is from his own documents. So that is not what we think; that is what he is telling us.

If the member is saying he is not telling us the truth, that would not surprise us. It would not surprise us that he would not be telling us the truth in the documents, but I am just quoting from his documents. If he wants to know whether we are talking about what we know, it is his own documents; he is telling us.

Talking about the increase in capital stock, the member for Nepean took great pride in that. We have never had as many portables in this province as we have today. We have never had crisis in the quality of education as we have had today, and it is due to the Liberal government mismanagement of the capital allocations to the boards of education.

It is a disgrace what is happening in Carleton, and for the member for Nepean to be an apologist for what is happening to the Carleton Board of Education is absolutely unconscionable. That is a betrayal of the interests of eastern Ontario. I cannot believe that the member for Nepean is saying that.

Mr. Speaker, with respect, I go back to my basic appeal to the people of this province to reject these tax increases, reject this budget that fostered these tax increases, reject this Liberal government's mismanagement of the programs of the government, reject this Liberal government's mismanagement in expenditures on itself for ministry administration—a lot of it wasted in memos and studies of each other—turf this crew out because it has become financially irresponsible. Join us and we will do it.

**Mr. Brandt:** I am honoured to follow my colleague the member for Cochrane South in the very eloquent and very pervasive arguments he raised with respect to the reasons why the people of Ontario should look very carefully at what is being proposed by this government by way of tax increases.

**Mr. Furlong:** Say "ditto," Andrew.

**The Deputy Speaker:** Order. One member at a time, please.

**Mr. Brandt:** He has put his arguments forward in, I think, a very forceful manner and I would like to underline the comments that he has made by saying that I listened, both from my office and in this House, very carefully to the issues that he has identified. I am in total, complete and unequivocal agreement with everything the member for Cochrane South has said. I would like to build on some of those arguments and share my thoughts with the members of the House.

With respect to Bill 122 in particular, and the attendant increase in the sales tax from seven per cent to eight per cent—and I know this point has been made before but I want to underline it again. Some people may have some misinformation with respect to this particular tax, that it is a tax of only one per cent increase. In fact, on the base—and the Treasurer full well knows the amount of money that one point on the tax raises—it is about a 14 per cent increase in revenue in that particular area alone.

It is not just the increase in the sales tax that bothers me. It is not just the fact that we are reaching deeper and deeper into the pockets of the taxpayers that bothers me. What bothers me are some of the comments, some of the positions; the attitude, if you will, that was taken by the Treasurer himself when he sat on this side of this very esteemed chamber not all that many years ago.

The last time the sales tax was increased through all of those Conservative governments that served in office for those many years was back in 1973. What did the Treasurer of the day say when another government raised the sales tax? He indicated, number one, that it was a serious enough problem, my friends, that we should go to the people and have an election on it. That is what he said and that is why my friend the member for Carleton is saying to members that the people of this province should reject this particular tax, as well as the host of other tax increases that they have brought in.

We should ask the people whether they, in fact, want to be subjected to—and hear me well—the largest tax increases in the history of this province, the largest percentage tax increases of any government anywhere in Canada. That is what they are so proud of over on that side of the House and what they should be embarrassed about.

The Treasurer in 1973, when he was in his former capacity as a critic for the Ministry of the

Treasury, indicated that the sales tax was regressive. I agree with what the Treasurer said in his former capacity as a critic. Why did he say that? I ask that of my Liberal friends. They know as well as I do that a sales tax hits everybody in society in an equal way. The rich, the poor and those in between all pay the same percentage by the application of that very regressive sales tax.

The unfairness of a tax which hits particularly hard at those who are poor in our society is the very kind of tax which the people opposite me and some of those with loud voices to the left of me feel that they can bring before the people of Ontario and have them accept. I will tell them that the people of Ontario do not accept this sales tax, and they want this government to roll it back. They want the government to live within its means in a more effective way than certainly it has been able to show up until this point in time.

As a result of these tremendous increases in taxes, some \$1.3 billion, how effectively has the government used that money? Has it reduced the deficit? It has reduced the deficit very slightly, yes. The overall deficit continues to grow, continues to increase.

Let me share some figures with members. The interest on the deficit alone in 1975 was \$4.4 million a day. That was back in 1975. In 1988 it has now grown to more than double that to \$10.4 million a day, which is \$433,000 an hour, which is \$7,220 a minute, which is \$120, rounded, a second. As each second goes by, interestingly enough, the interest on the deficit is costing us \$120.

**Mr. Furlong:** You were in office for nine of those years.

**Mr. Brandt:** I hear the member beside me indicating that we were in office for many of those years. I am glad he said that because that was a trap I laid for him. The trap happens to me that of the \$10.5 million a day in deficits on interest, it is interesting that his government in three short years is responsible for about \$2.5 million of that—fully 25 per cent of it in the last two and a half years alone.

**Mr. R. F. Johnston:** Shame on you.

**Mr. Campbell:** Shame—getting the triple A rating back.

**The Deputy Speaker:** Order. May I remind the members that it is one member at a time, and of course the member will address his remarks exclusively through the Speaker.

**Mr. Brandt:** If that is the way it works, then I will do that, Mr. Speaker.

I want to read into the record what is happening with this deficit problem because I think, of all parties in the House, it appears that the Progressive Conservative Party of Ontario is the only one that has a concern about deficit reduction and how we are dealing with this particular problem.

But I want to say to members that we had a convert at some time in the past. That convert back in the mid-1970s was no less an individual than the Premier himself. Here is what he had to say about deficits: "Endless deficit financing is destructive. It is the essence of irresponsibility to be transferring wealth from the next generation to your own." That is what the Premier had to say back in the mid-1970s, when he was indicating some concern about the increased cost of deficits and deficit financing.

**1630**

The situation has become far more serious today than it was back in 1975 and 1980, because the interest is going up at a tremendously rapid rate and is now costing us a tremendous amount of money—\$120 on a per-second basis—just to service the interest costs alone on our deficit.

What is the problem with the budget and the tax increases that were necessitated by this budget and this government? The problem, obviously, is that they had to increase taxes to pay for certain programs, and they had to increase taxes in order to reduce as much as they did, which was only very slightly, some of the deficit they have been carrying since they have been in office. But they have also done a number of other things that have necessitated these very rapid increases in taxes at a time when they have been experiencing record revenues.

The revenues have been going up very rapidly in this province, but they are not enough; and to put the whole matter into perspective, the reason this government requires more in terms of new taxes very simply is that it continues to spend at more than double the rate of inflation. Is that acceptable?

I guess in good times it would be acceptable if the government in fact spent slightly above the level of inflation, if there were particular programs it wanted to introduce that were of value, of necessity and required by the people of Ontario. But, interestingly enough, when you take a look at some of the things this government has done with that new money, what you see is that it has in fact hired more staff in the ministers' offices.

They have hired more staff in the provincial bureaucracy and at a more rapid rate than any



government that I am aware of anywhere in the entire country. While other governments are trying to control the size of their bureaucracy, control the size of their staff, we have a free-spending, irresponsible government across from us, which gives no consideration to that kind of concern whatsoever.

Now, what do we have to replace, if you will, the kind of activity they are engaged in with respect to all this new hiring and all this new spending? Well, on the other hand, the other side of the ledger, what we have is a government now becoming known for waiting lines: waiting lines in hospitals, waiting lines for licences, waiting lines for housing and for everything you can think of. All the basic necessities of life in this province are now becoming impossible to receive from this government, even though it has had record revenues and record tax increases. It boggles the imagination that we could get this kind of bad administration and bad management to result in a problem in Ontario where people cannot get access to very fundamental and basic services.

By increasing taxes, as it has, from seven per cent to eight per cent in Bill 122, the government also accomplishes another very nasty kind of thing that bothers me: that is, it squeezes the total amount of revenue that is in the gross provincial product so that fewer dollars are left in the hands of those people who are required to pay those particular taxes. Any economist will tell you that there is room for government taxation, there is room for government activity, if you will, within the total productivity of a province, but once you go over a certain line, once you edge a little too close to the bone in terms of what you are taking out of society, there is not enough to keep the engine of growth running.

I have indicated that this particular tax increase is specifically a burden on those people who are at marginal income levels. It is particularly hard on people who live in eastern and northern Ontario, in areas where there are high levels of unemployment, because those people do not have the financial wherewithal to be able to buy products, goods and so forth if in fact there is a constant and continuing increase in the cost of purchasing those particular products.

It hits a whole range of things. It hits the affordability of housing, which this government says is a high priority. Well, how can it be a high priority when literally everything associated with the housing market has been taxed and increased taxes have been placed on top of those taxes?

Obviously, the statement the government has made with respect to the importance of housing and providing affordable housing in our communities is a worthless statement because it continues to tax and, therefore, to raise the prices on these particular products, like housing, and put them out of the reach of people who would otherwise be able to afford them.

But the tax is even more insidious than that, because it reaches into virtually every pocket of every person throughout our society. It costs the municipalities more money. They, in turn, have to pass those tax increases on to the home owners, and then the property taxes have to increase to reflect that kind of additional grab by the Treasurer.

It affects school boards, and we have the same kind of scenario there, where once again they have to ask for more money from property taxpayers in order to be able to pay their bills. It affects hospitals. But more particularly the ones who concern me are the consumers. They are hit in a very regressive way, if I may use the term used by the Treasurer back in 1975, when he very clearly and, I think, very appropriately identified this as a regressive tax.

That is the reason, I want to say to my friends opposite, that the governments through the years 1973 on to 1985 never touched the provincial sales tax. We were convinced that it was, in fact, a regressive tax. It did not reflect a person's ability to pay. It reflected only a tax grab that could move by some 14 per cent or 15 per cent in one fell swoop because the Treasurer decided it was a nice easy way to fill up his particular coffers.

What we have is a government that seems to hold very dearly to the philosophy that it can tax, tax, tax and spend, spend, spend without being responsible to the people who elected it to office. I say that is simply not acceptable to our party.

If you talk about budgetary control, administrative control and good management, what you normally talk about is a Treasurer and a government that can set forth their position relative to the economics of the province and their budgetary expenditures and can project those with some degree of integrity and credibility. What has happened with this government, in spite of all the measures it has taken, some of which I have pointed out today in regard to increasing taxes in this province, is that it has exceeded its expenditure predictions every single year it has been in office. Not once have this Treasurer and this government been able to live



within their own budget which they established at the outset of the year.

Therefore, I would say in a very direct sense to the government that it has to learn to live within its means, as taxpayers have to learn to live within their means. Taxpayers are not getting eight per cent, nine per cent or 10 per cent increases. Taxpayers have to be satisfied, in most negotiated settlements, in most contracts that I have seen that have been resolved in the last year or two years, with an increase in the four per cent to five per cent range.

Is that adequate for this government? No. This government finds it necessary to be spending at almost double-digit rates, at almost 10 per cent, annualized. In fact, if you took them over the last three years, it would average out at about a 10 per cent increase on an annual basis. That is clearly double the rate of inflation and that is clearly double the rate at which other people in society are receiving increases, if they are fortunate enough to receive any increases at all.

**1640**

It is interesting to note that on the base of 1984 to 1985, the year this government took over, it has increased taxes by some 72 per cent in this province. That is a horrendous number, a frightening number and a clear indication of a government that is out of control in its expenditures. If the members opposite do not buy the fact that their expenditures are out of control, then let them answer one very simple question: Why, of all governments in this entire country, are this government's expenditures going up faster than anybody else's? Why are this government's tax rates and tax increases going up faster than any other government's anywhere in this entire country?

**Mr. Ballinger:** It is the fastest-growing province.

**Mr. Brandt:** You ought to be ashamed.

**Mr. Ballinger:** No, I am not ashamed.

**Mr. Brandt:** Come on down here and sit beside me and show the people of Ontario who you are. Why don't you do that?

**The Deputy Speaker:** Order.

**Mr. Ballinger:** You ought to be ashamed, making all these outlandish statements.

**The Deputy Speaker:** Order, please. The standing orders call for one member at a time and the remarks through the Speaker. The member for Sarnia.

**Mr. Brandt:** Mr. Speaker, I want to repeat my remarks, because the member behind me from

the Liberal Party found it necessary to indicate in his own belligerent fashion that I was not being open, fair and honest with the people with respect to the statement that I just made, so I will repeat it for the purpose of Hansard.

No government in this entire country is increasing its expenditures at a rate that is even comparable or even close to the rate of increase of the government of Ontario. No government in this entire country is raising taxes as fast as this government is, at more than double the rate of inflation.

If this money were going to the people, if it were going for affordable housing, if it were going into environmental control programs, if it were going into expansion of our hospital system and our education system to get rid of some of the portables; if it were going for those purposes, then our party would not disagree with some of those increases. But I have to tell members, that is not the case.

Much of the money is going into areas that concern me, areas such as advertising and ministers' offices. Some of the most rapid increases on a percentage basis of any expenditures in that entire government are right inside the four walls of the very ministers who are supposed to be controlling their budgets. That causes me some concern.

We have now got deputies in this government who are earning up to, according to the latest figures released by the government, \$130,000 per year. But we have changed the ground rules, have we not, fellows? What we have done, my friends, is that we no longer identify specifically who is getting paid what. What we now have is a bracket, and I think the bracket for deputies is something like \$85,000 to \$130,000. It happens to be more than \$130,000, but—

**Hon. Mr. Wrye:** It is a salary range.

**Mr. Brandt:** That is right. Well, it happened that not too many years ago, during the term of a former government, you could specifically look at a deputy and, in fact, at every single employee who earned \$50,000 per year or more. Their names were printed right beside their salaries so that you could clearly identify what everybody was getting paid.

Here is a government that talks about no walls, no barriers, open government. All of a sudden everybody is clustered under a category, and those categories, of course, have been inflated very substantially. Why does this government need a seven to eight per cent increase in sales tax? Well, they have to pay these people, and



they have to pay them this very substantial increase that many of them have received.

I ask the government, is it ashamed to print their names? Why did the government have this cabinet decision to get rid of the clear identification of who was getting paid what in this government? The reality is that all of a sudden a government that prided itself and stated very clearly that it was not going to have any walls and any barriers and was going to be open in every respect, is a government that is holding back on releasing information with respect to the salaries that are paid for by the taxpayers of this province. I say that is wrong.

I would also like to say that since the time I came into this House back in 1981, if the government is taking a look at where it can cut back expenditures and where it can control costs, maybe this is a small item, but it is an interesting one. If you listen to people who have been at least relatively successful in life, they will tell you that if you look after the pennies, ultimately the dollars will look after themselves.

This may be a small item with respect to the overall expenditures within this budget, but it is interesting the way in which this government proceeds with public relations events: the glossy brochures, the high travel costs, the many seminars, the many meetings and all of the so-called consultation and the wine and cheese parties.

**Hon. Mr. Wrye:** Just because your limo doesn't stop at La Scala any more.

**Mr. Brandt:** Look, don't tell me. I can see it day in and day out. There has never been so much stroking of the Ontario public with its own money in all the years I have been in this place, at a cost which is very, very significant. That bothers me.

I would like to go on and talk about the gas tax. I would like to go on and talk about the fact that this government, again more than any other government in the entire country, is increasing personal income taxes faster than anyone else is doing it. You cannot look at a tax, you cannot look at a part of the budget that is not being abused by this government in a way that is unequalled or even modestly unequalled by anyone anywhere else in the country.

I say that this government is wrong. Our party indicates to it very, very directly and very sincerely that it has to start putting a lid on expenditures, it has to start bringing this kind of increase in taxation under control, because we may well head into rougher economic waters. The government has had three pretty good years

in terms of revenues and revenue increases, but it has to learn to cut the suit to fit the cloth, and it may have to learn to live with less. That is something this government has never had to do.

It should be very careful with the money that it gets from the taxpayers of this province. They work very hard for it and they deserve to be treated in a way in which they get full value for the money they give the government in trust to spend on their behalf. They are not getting full value for their money under this government.

**Mr. B. Rae:** I am delighted to participate in the debate and to follow such a distinguished speaker as the member for Sarnia, who preceded me. I will have things to say about Conservative contradictions as the time proceeds, but nobody could have stated those contradictions more eloquently and more effectively than the leader of the third party.

I am delighted to participate in this debate; I always enjoy participating in budget debates. Perhaps it reminds me of my previous incarnation in another place when I participated very actively in budget debates, but I do have some things to say about this government's approach to taxing and to spending that I would like to share with the House.

It was the great American jurist Oliver Wendell Holmes who said that when he paid taxes, he liked to think he was buying a little piece of civilization. I think most of us who pay taxes would like to be able to feel that way. I think that when one looks at the way in which this government misspends and misallocates money and considers whom it taxes and how it taxes them, it is hard to share the sentiments expressed over a hundred years ago by Mr. Justice Holmes.

I do want to say that, on the taxing side, this province is in as great a need of glasnost and perestroika as other places have been in other aspects of their administration. There has not been any significant tax reform in this province. What we have had is a series of taxes added on over time.

It is quite interesting. If you look at the tax system in Ontario, you can see it is a kind of geological layer. It is very interesting to examine the history of taxes in Ontario, because obviously the tax system has reflected the changing nature of our province and the changing nature of our society, as it has reflected the growing needs, and indeed the growing appetites, of governments.

**1650**

The taxes on property, for example, have long been a foundation of our system. I think it is important for us to notice that like the iceberg,



these taxes are not widely discussed in this forum because they are discussed in every single municipal forum and in every municipal council and every board of education. I think all of us realize that the taxes this government does not impose are taxes that are frequently imposed on local property taxpayers and a much higher rate ends up being paid by them than might otherwise be the case.

If I can speak personally on behalf of my constituents, I can tell members that in the city of York, which in the context of Metropolitan Toronto is the area which has the lowest general income and which, because it does not have a substantial industrial base, has a very high mill rate and a very high property tax level paid by its citizens, the issue of property taxes and property tax reform is at the very forefront of the political agenda.

I do want to say that when it comes time in this House—and it may not come time in this House, it may come time in the next election; we may not get to it in this Legislature because the Liberals may not put it to the people of this province—to look at the issue of tax fairness, which I will be addressing in my speech today, we have to deal with the question of how the property tax has grown, how its impact has particularly hurt younger couples and older people who are either not into their full range of earning power or past their full range of earning power, and deal with the fact that the property tax, for the most part, remains unrelated to ability to pay and so is an unfair way of raising as many taxes as we do in this province.

The principle of taxation is very clear. The first principle, of course, is that it should be based on ability to pay. The second is that no burden of taxation should be so onerous as to prevent the economy from working effectively and from working in a way that will generate the most jobs and generate the most fairness, which is what we expect from our economy.

Many charges have been levelled at the New Democratic Party over the years, none more frequently than the charge that we simply want to spend money all the time and that we do not have any regard for how government spends and that we have no regard for economy in government. I am here to say that of all the charges levelled against our party, that is perhaps as unfounded as any.

If we look at where New Democrats have been in government, at the historical experience of our party in Saskatchewan, at the way in which our party has always attempted to combine a sense of

economic fairness with the tough decisions governments have to make, I think it is important to recognize that there will always be this limitation on governments in terms of their responses to the tax system: You never want to get a situation where any government feels that it is rolling in dough, if I can repeat a phrase used in my presence by the Premier the other day.

There has been a mood in this province, certainly since 1985, since the recovery that began in 1984, that the Progressive Conservatives—tragically for them, I think, on the whole; not so tragically for everyone else—were not able to take advantage of that dramatic increase in revenues. But still, the fact of the matter is that there was a long recovery that began in 1984 which went through 1985, 1986, 1987 and now we are in 1988. It has been a long, rolling recovery, which has meant that there are more people working, there are more people making more money and there are more taxes being paid to the government of Ontario than at any time in our history.

It is also fair to say that this relative affluence, combined with a government only too willing, from time to time, to impose new kinds of taxes and new levels of taxes, has produced an extraordinary windfall in terms of government revenues, which has been the experience of this Liberal government and this Liberal Party since 1985.

How has this government been taxing? What is interesting about its approach is that it involves absolutely no significant reform of any kind directed at dealing with the major problems of our tax systems. The major problem in our tax system is that working people, working families, ordinary folks, pay too much and those who are more well-off and wealthier pay too little.

It may sound like an excruciatingly simple formula, but in fact it is true. If we take the average couple and the average working person and look at where and how they pay taxes, there is precious little opportunity for that person or that family to avoid taxes.

If they own their own home, they pay taxes to the city. There is no avoiding that. If you do not pay your taxes to your city, you cannot stay in your house for very long. Every time they go to the store or every time they make a purchase or every time they buy anything, regardless of whether it is a necessity or a luxury, with the exception of food in a grocery store, they pay sales tax.

My colleague from the third party said that the Tories never touched the sales tax between 1973



and 1985, by which he meant the Tories never increased the level of the sales tax from seven per cent. But I remember the budget in 1982 very vividly, when the Tories did touch the sales tax, because they broadened the base so that it would touch a numbers of things which had previously been exempt from taxation.

In fact, it is not entirely the case—and I do not want to expand this argument too much—that the Tories did not touch the sales tax between 1973 and 1985. Mr. Miller did touch the sales tax, and I think it is fair to say he suffered some political criticism for doing so, quite rightly, in my judgement.

Having broadened the base—in other words, having had the touch-up blow delivered by Mr. Miller—we now have the knockout blow delivered by this Treasurer. We can look at the Carter report on tax reform; we can look at the Smith report on tax reform some 20 years ago; we can look, most recently, at the Thomson report on poverty in Ontario. These reports make it very clear—certainly, the Thomson report makes it very clear—that our commonsense judgement that the sales tax is an unfair way to raise taxes is absolutely correct.

The sales tax is an unfair way to raise taxes. It is unfair because whether it is Joe Blow or Conrad Black who is making a purchase of a coat or a car, he is paying exactly the same tax to the government of Ontario, regardless of his wealth. That is what makes it an unacceptable tax.

If we look at the history of the sales tax, it is a reasonably recent invention. There is one province, Alberta, which still does not have a sales tax. But I might point out that this government sees the sales tax clearly, early on in its life as a government, as the opportunity simply to soak up hundreds of millions of dollars on the basis of that one per cent increase in the sales tax.

The argument is: “Well, it’s not very painful. People will be angry for a week, but they won’t be worried too much about it.” I was fascinated to see a picture of the leader of the third party, on a rather cold day, standing at a subway station handing out a leaflet to passengers about to get on to the subway. I know what he was telling them, in addition to introducing himself as Andrew S. Brandt, the interim leader of the third party, the Progressive Conservative Party in Ontario. I am sure that after he got that out, he said he wanted to talk to them about the sales tax and how unfair the Liberal tax increases were.

1700

**Mrs. Marland:** No. He wanted to talk to them about being Leader of the Opposition.

**Mr. B. Rae:** To my colleague, the member for Mississauga South, I can only say that job is spoken for for the next two years. After that, the voters will decide who will be here and who will be there.

When the member for Sarnia (Mr. Brandt) was talking about the Liberal tax grab, I wonder if at the same time as he was discussing that he was discussing the implications of the national sales tax, this monstrosity about to be imposed on us not simply by the Minister of Finance of Canada, Mr. Wilson, but also by the Treasurer of this province.

This is not a single act; this is a double act. The national sales tax will happen only when the provinces and the federal government get together and agree that they are going to occupy that field together and impose a new level of taxation on the voters.

The Treasurer may like to think and may want us to believe that he is like the proverbial piano player downstairs in a house of ill repute who has no idea what is going on upstairs, but I am here to tell members that act of feigned innocence on the part of the Treasurer will not work. He is deeply involved, he is as involved as he possibly can be, in the imposition of this new national sales tax. I am here to tell members it is time he came clean on the national sales tax and its implications for taxpayers in this province.

**Hon. Mr. Conway:** I can scarcely believe my ears.

**Mr. B. Rae:** I know it shocks the ears of the government House leader, but I can simply say to him that if he does not think his colleague who sits merely two seats away from him is intimately involved in these discussions at the national level on the introduction of a national sales tax, then he is even more naïve and innocent than I had previously believed him to be.

**Hon. Mr. Conway:** That’s pretty hard to imagine.

**Mr. B. Rae:** And it is hard to conceptualize in any other way.

Let’s look again at this question of tax fairness and tax reform. The first thing I have suggested is that if you are going to have tax reform, it has to deal with the unfairness of the property tax as it is now imposed on most people. The second thing is, if you are going to have tax reform, you cannot rely on the sales tax the way the Liberal and Conservative governments have relied on sales taxes, whether working separately or together.

A fair taxation system would be one in which every profitable corporation in this province that



was able to pay taxes would pay those taxes. I know this will shock members when I tell them that there are in fact thousands of corporations in this province which are profitable that do not pay any income tax whatsoever. Every cent that is not paid by those corporations is paid for by my constituents; it is paid for by the people who live in public housing, who are paying more in a sales tax simply because this government does not have the courage to tax those who have great wealth. It is paid for by those senior citizens who live in their own homes in my riding, who are paying more in property tax, sales tax and income tax because this government does not have the will to impose a fair burden of taxation on those who should pay.

Let me take one other example, this question of lot levies which has been raised, which I think deals directly with the question of who pays taxes and when they pay them. Can members imagine, can we conceive of a tax that would be more unfair than to say that a new home buyer should be paying an upfront amount of \$3,000, \$4,000, \$5,000, \$6,000, \$7,000 or \$8,000 towards the construction of schools and hospitals, when all the other citizens, perhaps the very well endowed who already have their own homes, are not being asked to pay that tax?

Why is it that the Liberals always say, "This part of the economy is booming; let's make that part of the economy the part that pays"? Why is it that my friends in the Conservative Party are approving an approach which for the first time in the history of Canada will impose a sales tax on the sale of real property, a national sales tax which would be a national provincial-federal tax?

I am describing it here: "Individual A purchases a new home from developer X after the implementation date of the tax. Shortly after moving in, A is transferred and sells the house.

"The tax will apply to the sale by developer X of the new home. A will not be entitled to claim any input credit in respect of the purchase price."

That is what is being contemplated, both by the Treasurer and by the Minister of Revenue. That is the tax that I think is so unfair because it means an additional \$10,000, \$20,000 or \$30,000 on the price of a new home, which places already expensive and indeed exorbitantly priced homes out of the reach of ordinary citizens.

I want to touch in my closing few moments, if I may, not only on the fact that the sales tax is unfair but also on the fact that user fees generally have been increasingly relied on by governments

and are unfair, that the property tax should not be used as extensively as it has been by governments, that the income tax system should be made genuinely progressive and fair and should not be imposed on people on low incomes, but instead should be made even more progressive than it is, and that the corporation tax should become an effective way of raising money. I want to suggest that we need to look again at the question of how we tax wealth and how we tax inheritance in this province and indeed in this country.

It has been almost an undiscussed subject, but it is one that needs to be discussed. When we moved, as a country, to introduce the capital gains tax in the late 1960s and early 1970s, one of the things that the capital gains tax was supposed to accomplish was the taxation of wealth as it transferred between generations. For that reason, we saw across the country a pattern where, in province after province, taxes on inheritance and taxes on wealth, as it transferred between generations, at the provincial level were abolished. They were abolished for the principal reason that in a sense they were in addition to the capital gains tax and seemed to act unfairly in that regard.

As a result, in relation to other countries of the Organization for Economic Co-operation and Development—and even, I might add, in relation to the United States—we have a country where we tax wealth less effectively in this province and in this country than virtually any other OECD jurisdiction. It is easier for large amounts of wealth—when I say large, I mean not only hundreds of thousands but millions and indeed tens and hundreds of millions of dollars—to be transferred from one generation to the next in this province than it is in virtually any other jurisdiction.

What is the result of this kind of transfer? My friends on the free-enterprise right will say that an individual should be able to do with his wealth what he wants and that the state should not interfere with that decision. But I say to those on my right, if they genuinely believe in the principle of equality of opportunity—I know they believe genuinely in the principle of equality—and if they think that equality must be limited only to equality of opportunity and not to some notion of equality of result, if they genuinely believe in that, then surely they, of all parties, should be saying, "We must make sure that inequality is not transferred from generation to generation and that we do not have the kinds of



inequities within generations that we now have in this province and in this country.”

The reality is that most people in this province who are well-off are well-off because their parents either are or were well-off. Most people in this province who are wealthy are wealthy for one reason alone: they have inherited that wealth. I see the member is shaking his head. I am sorry to tell him he is wrong. If one looks at the tax statistics, at the numbers which are available, at the documents which have been made available by the Canadian Tax Foundation and at the information that has been made available to various royal commissions, our wealth in this country is more concentrated than in virtually any other jurisdiction within the OECD.

**1710**

We have more wealth concentrated in fewer hands. We have more families able to pass wealth on from generation to generation without any interference or any taking away or any equalizing by government, whether provincial or federal, than in virtually any other jurisdiction.

I am here to tell them that if they are going to talk about tax reform in this country and in this province, they have to talk about how we tax wealth and how we tax inheritance. There is no other way. There is no other answer.

If we are not prepared to do that, if we are not prepared to say that we do not want to see the children of poor people placed at an incredible disadvantage in relation to the children of the affluent, if we genuinely share a belief in equality of opportunity, which I think in all parties we do, then why this continued attachment to the idea that those who can stand on the shoulders of their parents or their grandparents should somehow have such advantage over those who have no such parents or grandparents to give them money?

I say to members opposite that what is most troublesome about what has happened in this province in the last five years is the way in which this boom has been unfairly shared. What is most troublesome about this affluent society in which we live is that we have lost sight of our obligation to love one another and to care for one another in this crazed search for affluence and success.

I am here to say that the inequality between people, between generations, between different classes, between different groups, between different regions, the inequality between what has gone on in Metropolitan Toronto and what is happening in various other parts of this province, has become worse, has been exacerbated and has become more serious as a result of this boom,

without the government having the courage to intervene to share wealth more effectively. That is what a decent and reasonable taxation system should do.

Nothing symbolizes more clearly the abject failure of this government to deal with this problem than its consistent refusal to impose a speculation tax in Ontario.

What is the logic of saying to a woman who lives on the 17th floor of a public housing estate, “We are going to increase your sales tax by one percentage point and we are going to increase the cost to you of the things you purchase by as much as 13 or 14 per cent,” in terms of the sales tax she will have to pay, in terms of the tax component of what she spends, but saying at the same time that when you have condominium developments on the Lakeshore, the government is not prepared to tax those, when it is estimated as many as 60 per cent of the units in those condos are not being purchased by people who intend to live in them, but by people who intend to use them as a speculative investment? What is the message that comes forth from government?

From this government, it is very clear. It has been an easy ride for the last three years in terms of taxes. They have imposed them where they thought people would not be able to fight back and would not be willing to fight back.

I am here to tell members that I think the government has badly miscalculated, because at the same time as the quality of life has deteriorated and the needs have grown for a great many of our citizens, this government has spent so unwisely and so badly. There is the sense that it has been, to use the Premier’s marvellous phrase, “rolling in dough these last few years.” That is the sense people have.

I am glad my line was borrowed by the leader of the third party on this becoming a province of waiting lines and waiting lists. I take that as a compliment. I have always thought imitation was the sincerest form of flattery. It has become a province of waiting lines and waiting lists, where the demands for public service have grown and will continue to grow. When citizens look at the tax system, they want a little bit of fairness, and when they look at government, they want a little bit of service.

When citizens do not get that, their anger grows. We look at a government that has done nothing to deal with the transportation crisis, that has not looked at the cities of France, the cities of England, the cities of Europe and seen what modern transportation systems can be like. You can leave London and drive on an electric train



for 30, 40 or 50 minutes and you can be literally tens of miles outside of the centre of town. You cannot do that with respect to this so-called world-class city we created right here in Toronto.

There is much to be done but at the very foundation of everything government does is its social contract with its citizens. This is where I go back to Mr. Justice Holmes, who said when he paid taxes, he would like to think that he was buying a little piece of civilization. There are not very many citizens in this province who have that feeling when they pay their taxes, and that is far more eloquent an expression of what has gone wrong in Liberal Ontario, on the derailment of Peterson's Ontario, than any speech I might give.

Having said that, I have now spoken for my allotted half-hour. I want to express my appreciation to you, Mr. Speaker, and to the House for listening to how much importance we continue to attach to this question of tax reform.

**The Acting Speaker:** Are there any comments or questions arising out of the speech by the Leader of the Opposition? Are there any other participants in the debate? There are no other participants in the debate?

**Mr. Faubert:** I was waiting for someone else.

**The Acting Speaker:** Is this the final wrapup of this bill by all parties?

**Mr. R. F. Johnston:** We have no idea what is going on over there, Mr. Speaker.

**Hon. Mr. Conway:** Mr. Speaker, if I might, the parliamentary assistant to the Minister of Revenue will be making concluding remarks on behalf of the government.

**Mr. Faubert:** I would like to thank the members for their participation in this debate and I would like, on behalf of the Minister of Revenue, to offer some comments on the issues raised. I would also appreciate the consideration given to me by the opposition and the third party to assist me in this task by allowing me to speak on this side of the House.

Mr. Brandt: Unencumbered.

**Mr. Faubert:** Unencumbered.

Bill 122 gives effect to a key component of the 1988 budget of the Treasurer; that is, to increase the sales tax rate from seven per cent to eight per cent.

During this debate, honourable members have been quick to criticize this measure without giving due credit to the fiscal responsibility exhibited by the overall budget. The question that keeps being asked or commented on is, where is it planned all the money will go? I just point out to the members opposite that an excerpt

from page 60 of the Ontario budget gives an answer to the question, where is it planned for the retail sales tax will go?

In five major categories alone, which set out the priorities for this government, it indicates that the Ministry of Colleges and Universities is to get a 7.5 per cent increase; the Ministry of Community and Social Services, a 14.6 per cent increase; the Ministry of Education, a 6.2 per cent increase; the Ministry of the Environment, a 9 per cent increase; the Ministry of Health, a 9.8 per cent increase.

We would indicate that is called catch-up and that is the question that was raised. In response, certain members said, "Why are we in Ontario expending money at a faster rate than anyone else?" I would say, as stated by the Treasurer in his budget speech, that our government's program of continued reduction in cash requirements and pay-as-you-go approach to fiscal management will enable us to prepare for the economic challenges of the future.

With this budget, the government's expenditure priorities are accomplished with the lowest deficit in 19 years. I remind the honourable members that the forecast deficit for the fiscal year 1988-89 was \$473 million, which is down from \$1.2 billion in 1987-88 and \$1.3 billion in 1986-87. In addition, transfers to local governments and school boards increased from \$7.7 billion in 1987-88 to \$8.4 billion in 1988-89, an increase of nine per cent in one year. That is what I would call fiscal responsibility.

## 1720

La majoration de la taxe de vente au détail aura pour effet d'augmenter les recettes de quelque 900 millions de dollars sur une année complète. Cette majoration contribuera à générer les recettes nécessaires pour investir dans l'amélioration des programmes de soins de santé, d'éducation et divers programmes sociaux.

Even with the eight per cent rate, Ontario still has the lowest rate in Canada. Provinces to the east of Ontario have higher rates, ranging from nine per cent in Quebec to 12 per cent in Newfoundland. With this budget, we are funding our priorities and meeting our commitments in a fiscally responsible manner.

I believe all speakers mentioned the problem of regressivity associated with the sales tax system, which has also been recognized by Mr. Wilson in his tax-reform, stage-2 proposals. Here at the provincial level, however, the regressivity of sales tax has been reduced for low-income and middle-income earners by exempting necessities of life such as food and home



heating and providing tax credit for low-income families.

In the budget "Highlights," under "Ontario Tax Assistance Programs," I point out where some of this is going. "The budget enriches and restructures tax assistance benefits to low-income Ontarians. New property and sales tax credit programs will deliver \$444 million in tax credit benefits to over 1.8 million low-income Ontarians. Sales tax credits are set at \$100 per adult and \$50 per child, more than doubling the total benefits under this program for low-income households. The new \$40-million Ontario tax reduction program will eliminate provincial income tax for 350,000 low-income tax-filers."

On that basis, that is what is called addressing regressivity of the tax.

I would also like to address what the member for London North (Mrs. Cunningham), the member for Nipissing, the member for Sault Ste. Marie (Mr. Morin-Strom) and the member for Sarnia all stated, and that was that this is the largest tax grab in the history of the province.

It is very interesting that in 1988, this year, the increase in the retail sales tax from seven per cent to eight per cent is a 14 per cent increase on base tax, but let's put that in perspective. It is not the largest in the history of Ontario. Let's try 1966: The rate increased from three per cent to five per cent for a 60 per cent increase, and who was the government at that time? Let's try 1973: The sales tax rate increased from five per cent to seven per cent for a 40 per cent increase, and who was the government of the day?

**Mr. R. F. Johnston:** Who?

**Mr. Faubert:** We all know it was the Tories.

**Mr. R. F. Johnston:** You have to go back to 1966 to find something bad?

**Mr. Faubert:** No, 1973 was pretty bad too.

I would also like to comment on something that was touched on by the Leader of the Opposition (Mr. B. Rae). In responding to the comment by the member for Sarnia, who said the Tories had not touched the sales tax from 1973 to 1985, I think he forgets the 1982 budget which abolished exemptions for municipalities, school boards, hospitals, and incidentally, as of today, zoos.

**Mr. R. F. Johnston:** That is when you guys wanted to bring them down, as I recall.

**Mr. Faubert:** It abolished the \$6 exemption for working people's lunches. The interesting thing is that it applied to every doughnut at Tim Horton's. It abolished the exemption on personal hygiene products. The 1982 budget also required

some 30,000 small-scale vendors to become sales tax collectors, and it taxed labour on repairs to cars and appliances, which hurt people who cannot afford new cars, new appliances or alterations.

**Mr. R. F. Johnston:** Some of us were here for all these dastardly things.

**Mr. Faubert:** It still went on.

In this connection, it is worth noting that some of the extra revenues from the sales tax increase, an estimated \$84 million per year, will be used to finance improved sales tax credits for low-income Ontarians. The increased sales tax revenue also means income tax rates will remain generally lower.

The opposition considers income tax the fairer or more progressive tax, and we heard several arguments related to this. Would they really like the \$7.8 billion that is raised from the sales tax to be added, for example, to the personal income tax burden, requiring a rate increase of some 70 per cent? In other words, the increase in retail sales tax must be viewed in terms of the need to maintain a sensible balance in the use of all taxes in achieving a fair distribution of burden and ensuring that Ontario's taxes are competitive with other jurisdictions.

I am sure other members in the House would be interested to know that if the one-point increase in the retail sales tax was loaded on to the Ontario standard personal income tax rate, this would be increased from 51 per cent to 55 per cent, for an increase in burden or revenues of \$8.4 million to \$900 million. Second, the corporate rates, of which we have several, would be increased by 20 per cent. Is this really what the opposition is proposing?

**Mr. R. F. Johnston:** What a preposterous notion.

**Mr. Faubert:** That is exactly what it is proposing.

The member for Beaches-Woodbine (Ms. Bryden) criticized the government's reliance on consumer taxes versus corporation taxes. I would like to remind the honourable member that the three-year tax holiday for new small business corporations was phased out as a result of this budget so that the corporate sector shared in the pain.

The member for Beaches-Woodbine also voiced concerns on the potential impact of a national sales tax on the housing sector, colleges, universities and health care. Although the federal government has yet to release details of all aspects of such a tax, Mr. Wilson has clearly stated—if we cannot believe Mr. Wilson, who can

we believe?—that municipalities, schools and hospitals will not pay more. In order to offset the potentially regressive impact of a national sales tax, Mr. Wilson also stated that the tax will not apply to food and prescription drugs.

The member for Nickel Belt (Mr. Laughren) wanted to know if Ontario intends to co-operate with the federal government on a national sales tax. Many of the concerns raised by him are being considered by the Treasurer. It is precisely because all our concerns have not been fully explored that the Treasurer has not declared his position on this matter.

The member for York South, the Leader of the Opposition, talked very eloquently on regressivity and the unfair nature of the retail sales tax. I think the average person, when asked to choose between income tax deducted from the pay-cheque and an equivalent amount raised through a retail sales tax or a consumption tax, would probably choose the latter. The reasoning would be that at least the taxpayer has a choice about paying the retail sales tax, provided that it does not apply to necessities such as food, drugs and rent. At least, they are getting something when they pay the tax, not just a receipt, as they do when they pay their income tax.

One last point I would like to refer to is the statement by many members of the opposition, especially those in the third party, that somehow all this spending is simply going on increasing the bureaucracy. I would like to at least point out in defence of the Ministry of Revenue that the Ministry of Revenue's planned staffing has been flat-lined for many years, and actual staffing is in decline. For example, for the retail sales tax division alone, in 1985-86, there were 477 personnel; in 1988-89, 452; and for 1989-90, it is projected at 440.

**1730**

Other tax branches, for example property assessment, showed a similar trend within the ministry. This is all despite increases in workloads and complexity of the job and the increase in the tax rolls.

In closing, I would like to reaffirm the necessity of increasing the sales tax rate from seven per cent to eight per cent in order for my government to meet its commitment to fiscal responsibility. As I stated in my opening remarks, this will enable all of us to prepare for the economic challenges of the future.

**1750**

**Mr. Speaker:** As the House decided to stack the votes on Bill 121 and Bill 122, we will deal with them in the order they were debated in the House.

#### GASOLINE TAX AMENDMENT ACT

The House divided on Hon. Mr. Grand-maitre's motion for second reading of Bill 121, which was agreed to on the following vote:

#### Ayes

Ballinger, Black, Bossy, Bradley, Brown, Callahan, Campbell, Caplan, Chiarelli, Cleary, Collins, Conway, Cooke, D. R., Cordiano, Curling, Daigeler, Dietsch, Eakins, Elliot, Elston, Epp, Faubert, Ferraro, Fleet, Fontaine, Fulton, Furlong, Haggerty, Hart, Henderson, Kanter, Kerrio, Keyes, Kozyra, LeBourdais, Leone, Lipsett, Lupusella, MacDonald, Mancini, Matrundola, McClelland;

McGuigan, McGuinty, McLeod, Miclash, Miller, Neumann, Nixon, J. B., Nixon, R. F., Oddie Munro, Offer, O'Neil, H., O'Neill, Y., Pelissero, Peterson, Phillips, G., Poirier, Polsinelli, Poole, Ramsay, Ray, M. C., Reycraft, Riddell, Roberts, Ruprecht, Smith, D. W., Smith, E. J., Sola, Sorbara, South, Stoner, Sullivan, Sweeney, Tatham, Velshi, Ward, Wong, Wrye.

#### Nays

Allen, Brandt, Bryden, Charlton, Cooke, D. S., Cousens, Cunningham, Eves, Farnan, Grier, Harris, Jackson, Johnson, J. M., Johnston, R. F., Kormos, Laughren, Mackenzie, Marland, Martel, McCague, McLean, Morin-Strom, Philip, E., Pollock, Pope, Pouliot, Rae, B., Reville, Runciman, Sterling, Villeneuve, Wildman, Wiseman.

Ayes 79; nays 33.

Bill ordered for third reading.

#### RETAIL SALES TAX AMENDMENT ACT

The House divided on Hon. Mr. Grand-maitre's motion for second reading of Bill 122, which was agreed to on the same vote.

Bill ordered for standing committee on finance and economic affairs.

The House adjourned at 5:56 p.m.

#### ERRATUM

No.	Page	Column	Line	Should read:
108	6038	2	39	tancy test and the classical LD <sub>50</sub> acute toxicity test and similar tests.



**ALPHABETICAL LIST OF MEMBERS\***

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- 
- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Orillia L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaître, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McQuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
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 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
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 Wiseman, Douglas J. (Lanark-Renfrew PC)  
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 Commercial Relations (Windsor-Sandwich L)

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No. 118

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**First Session, 34th Parliament**

Thursday, December 8, 1988

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 8, 1988

The House met at 10 a.m.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### LEGISLATIVE ASSEMBLY AMENDMENT ACT

Mr. Epp moved second reading of Bill 181, An Act to amend the Legislative Assembly Act.

**Mr. Epp:** It is my intention to reserve approximately four minutes for the windup. I also hope, since a number of the members have prepared to speak, that enough time will be allotted so that each of the other parties will have an opportunity to have two speakers for a certain length of time. I know that each of them will not have 10 minutes, but I know that one of the members would at least like a few minutes at the end, and I hope that will be allowed.

At the outset, I want to give credit to all members of the standing committee on the Legislative Assembly which is represented by all three political parties. They have worked long and they have worked hard on this bill. Although this bill comes under my name and I have chosen it as my private member's item, in fact, it is a bill that emanates from the Legislative Assembly committee and therefore I want to give credit to the members.

In looking at this bill, I find that there are basically two things that it does. One is it removes the word "molestation" because of its ambiguity and because it can either be interpreted in a very narrow sense or a broad sense, and there has been confusion regarding that matter in the past.

Second, section 38a is installed in the Legislative Assembly Amendment Act and it says, "No person shall make a personal service that is required or authorized by law in a civil matter upon another person." I want to emphasize that it says "upon another person" because it means not only members but also people outside of the member constituency here, the people who are working in this building. It includes everyone in this building and in other buildings that are incorporated in this act. It says:

"(b) in a room or place in Ontario in which a duly constituted committee of the assembly is meeting; or

"(c) in an office of a member of the assembly, other than a constituency office, that is situate outside the Legislative Building, and that is designated by the Speaker for the purposes of this section."

In other words, it includes everyone in this building. It includes everyone in the Whitney Block who is associated with the members, as I understand it, on two floors there. It includes the various ministries where we have ministers, whether it is the Attorney General (Mr. Scott) on King Street, the Minister of Labour (Mr. Sorbara) on University Avenue, or the Minister of the Environment (Mr. Bradley) on St. Clair Avenue. It includes all the ministers, ministry staff in that particular office and the parliamentary assistants who are usually located in the immediate vicinity of the minister.

It is a fairly broad interpretation of the areas that it covers and I want to emphasize the fact that it covers these places and it does not limit it to the members themselves.

The question then arises as to why this particular amendment is necessary at this particular time. I want to go back to 1978 when the case of the member for Huron (Mr. Riddell), now Minister of Agriculture and Food, came before this House and he was served with a notice of action under the Libel and Slander Act at his Queen's Park office. The Legislature was in session at the time and the matter was referred to the standing committee on procedural affairs after the member complained that the service constituted a breach of section 38.

If we look at section 38 of the Legislative Assembly Act, it says, "Except for a contravention of this act, a member of the assembly is not liable to arrest, detention or molestation for any cause or matter whatever of a civil nature during a session of the Legislature or during the 20 days preceding or the 20 following a session."

A session, as members know, starts with the throne speech. If the current session winds up somewhere in January, as might be predicted by some, then it would be either 20 days before that throne speech, which we had earlier this year, or



20 days after next January—whatever that day happens to be. It incorporates those times.

The counsel to the committee that was hearing the case of the member for Huron, Burton Kellock, concluded that section 38 did not create an immunity from the institution of civil proceedings nor did it create an immunity from service of process. In arriving at this conclusion, Mr. Kellock noted that it is clear from the debates at the time the Legislative Assembly Act was passed in 1876 that the member did not intend blanket immunity from civil proceedings.

Mr. Kellock also pointed out that the word “molestation” was used in section 38 in conjunction with the words “detention and arrest,” and principles of statutory construction suggest that molestation should be interpreted as being analogous to detention or arrest. An actual interference with the person was required, he felt. By extension, he felt an actual interference with the member for Huron did not take place.

Mr. Kellock then referred to the express prohibition in section 37 against civil actions arising from statements made before the assembly or a committee and he argued that it should be presumed no further immunity from civil action was intended unless specifically stated elsewhere in the act.

#### 1010

The member for Huron, when he came before the committee, argued that service process amounted to molestation. He noted that the Ontario Legislature, in 1876 and thereafter, specifically included the word “molestation” in its legislation and did not simply content itself with adopting the United Kingdom position which specifically negated immunity from civil proceedings.

The member also noted that section 45 of the Legislative Assembly Act, relating to privilege and contempt matters, provides a separate paragraph for molestation. That is paragraph 45(1)11. If you read section 45(1) it says, “The assembly has all the rights and privileges of a court of record for the purposes of summarily inquiring into and punishing, as breaches of privilege or as contempts and without affecting the liability of the offenders to prosecution and punishment criminally or otherwise according to law, independently of this act, the acts, matters and things following.”

Then paragraph 11 says, “Causing or effecting the arrest, detention or molestation of a member of the assembly for any cause or matter of a civil nature during a session of the Legislature or

during the 20 days preceding or the 20 days following a session.”

Paragraph 2 refers to “Obstructing, threatening or attempting to force or intimidate a member.”

Therefore, molestation must mean something different from physical interference with a member. This is what the member argued at the time. It is important that in its report the standing committee on procedural affairs, the predecessor to the standing committee on the Legislative Assembly, rejected the conclusion of its counsel, Mr. Kellock, and found that the member’s privileges had been breached. It did not, however—and this is important—recommend any further action by the Legislature.

Another case that we have to look at is one that occurred in 1986. It occurred in the standing committee on public accounts. I was a member of the public accounts committee at the time. I was there at the time it occurred. A summons was put in the hands of the former member for Brantford. He was called away from the committee proceedings and it was given to him in the back of room 151. As a result of this particular matter, questions of privilege arose and the matter was referred to the standing committee of the Legislative Assembly. It held several days of hearings and subsequently wrote a report which was dated April 29, 1987.

The committee found that there had been a breach of privilege, but that no action should be taken against any individual involved in the matter. The committee went on to recommend that the Legislative Assembly Act be amended. It also recommended that an educational campaign related to contempts of parliament be undertaken. Repealing section 38 and re-enacting it in the form set out in my bill was recommended. I want to quote the statement which came out of the Legislative Assembly committee hearings at the time:

“The committee is of the opinion that sufficient uncertainty exists with respect to the interpretation of section 38 of the Legislative Assembly Act that the section should be repealed and provision made to specifically prohibit the service of civil process—I want to emphasize civil process here as opposed to criminal process—“upon any person in the Legislative Building, in any room in which a properly constituted committee of the House is meeting while the committee is meeting away from the seat of government, and in the legislative office of a member which is not located within the Legislative Building. In the latter case, such an



office would not include the constituency office of a member but would include a member's office in the Whitney Block or a similar office assigned to a minister of the crown or a parliamentary assistant. Such an office would be designated to be an office for the purposes of this section of the act by the Speaker."

In looking at this, I want to emphasize the fact that it also would include, as was pointed out in this section, the travels of a committee. As members know, the committees from time to time travel to other parts of the province, and rightly so. They might travel to Thunder Bay, Windsor, Oshawa or wherever in the province and have hearings. As a result, wherever those committees are meeting those rooms could be designated by the Speaker beforehand and a civil process could not be placed on a member in those particular areas.

To go a little further, I want to look at the contempt aspect of this bill and the fact that someone might be found in contempt if he violated the act as it now states or as the amendment would have it. Subsection 45(1) of the Legislative Assembly Act gives the assembly the power to punish those who commit acts that breach parliamentary privilege or that amount to contempt. Paragraph 45(1)11, as I have read, provides that the molestation of a member falls within the category of breach of privilege and contempt.

Section 46 of the act provides that "Every person, who upon such inquiry, is found to have committed or done any of the acts, matters, or things mentioned in section 45, in addition to any other penalty or punishment to which he may by law be subject, is liable to imprisonment for such time during the session of the Legislature then being held as is determined by the assembly."

If we look at some of the other parliaments or assemblies in the country, we find that the Canadian House of Commons or the Senate "may commit a person found to be in contempt of Parliament to jail until the session is prorogued." The commitment can be revived in the next session and even in the next session of Parliament. If someone were held in jail after prorogation or dissolution, that person could be released by the court by means of a writ of habeas corpus. This power has not been used since 1913. That is in Ottawa.

Just by looking at some of the other legislatures in Canada, we find that in Manitoba molestation is included. I presume that serving a summons on someone in a civil matter could be constituted as a contempt of the House. In

Saskatchewan it is included, and imprisonment for any period of time determined by the assembly is the penalty. I am not sure how long that might be. In Alberta it is imprisonment during the session and a fine in an amount fixed by the assembly, and molestation is included. In British Columbia, molestation is included and imprisonment during the session.

Although in its history this House has had someone at the bar of the House for violating the rules of the House and of the building, the person apologized and was not put in chains or put in jail or anything of that nature.

**Mr. Wildman:** Do you advocate that?

**Mr. Epp:** A member asked whether I advocate it, and I am not advocating it.

If we look at the service of process in some of the other parliamentary precincts—and by speaking about parliamentary precincts we are speaking about this building and two floors of the Whitney Block, as I indicated, which are usually referred to as the parliamentary precinct—according to some of the history on this, the best information I have been able to gather on it, "The House has jurisdiction to keep order and maintain decorum within its precincts and may make rules with respect to the conduct of strangers admitted to the precincts."

The matter of service or delivery of documents within the precincts of the House is not specifically mentioned in the Legislative Assembly Act or the standing orders. However, the principle is well established by parliamentary precedent and tradition that it is a contempt of the House to serve or to attempt to serve a civil or criminal process within the precincts of the House on a day on which the House or any committee thereof is to sit, is sitting or has sat, without having obtained the leave of the House or its chief officer, the Speaker.

**1020**

A member of Parliament as such is not privileged from service of process. In other words, a member of Parliament can be served but must be served outside of the legislative precinct. However, if a member is immune from service of process within the precincts of the House while the House is sitting, it must be in virtue of a privilege enjoyed by the House in its corporate capacity. This privilege is enjoyed by the House in its corporate capacity on the ground that the service or attempted service of the process of an inferior tribunal in the presence, actual or constructive, of the House is clearly a violation of the dignity of, and an insult to, Parliament.



This was the conclusion that was reached in Australia, and it is also one that is concurred with by the Parliamentary Privilege in Canada on page 145, which was stated some time ago: "It follows that as the privilege is enjoyed by the House while sitting, service of process within its precincts must constitute a contempt or breach of that privilege regardless of whether the person served or attempted to be served is a member or another person."

In other words, it does extend everything to beyond the members themselves, and I am very pleased that everyone in the building is protected. As a person indicated to me not very long ago, this individual was served in this House with a summons and was not a member. Under this particular amendment, that person and every other person would be protected from service because it is the privilege that extends to the House and not to the members.

The immunity and protection afforded by the House may in exceptional cases be withheld, but to draw a distinction between members and other persons in this regard would expose the House to the reproach of, as someone says, "Stretching the compass of dignity too far and applying it to the individual instead of to the House."

We could go into a number of other examples, but I do want to say at this point, and I am going to leave the rest of my time to wind up later, that I think I have made the case that we should make a change in the present Legislative Assembly Act, that we should clarify the word "molestation" and that we should clarify what is meant by serving a summons in the House on a civil matter. Although I do not for a moment pretend that this act is perfect—in some years' time, if it is adopted by the House, it may need some changes—nevertheless, I think it will serve better our particular needs in this chamber, in this building and elsewhere than the present legislation does.

**Mr. Breagh:** I rise to support the bill and I want to begin by saying that the member for Waterloo North (Mr. Epp) has brought forward this morning a private member's bill that deals with a matter that the standing committee on the Legislative Assembly has struggled with.

The question of privilege and serving of papers on a member is perhaps not very interesting to most folks, perhaps not even to members here. But the committee itself that dealt with the matter has had similar questions before it on several occasions and knows that there is a bit of a problem with it; it sought to bring forward a bill from a committee, which is a kind of unusual

approach to take with legislation. That did not quite meet with everybody's needs, so we struck upon the idea that perhaps the chairman of the committee should bring the bill forward as a private member's bill.

I hope frankly that this will be one of those rare private member's bills that actually becomes law. I do think that, although it seems a bit arcane in trying to discuss it, it is something that needs to be done.

In my office, I can tell when there is trouble brewing around here because the copy of an old document called *Erskine May* goes missing. That means that there are foul deeds afoot or about to happen somewhere in and around these chambers. For those members who do not read this kind of stuff, *Erskine May's Parliamentary Practice* is a collection of parliamentary precedents, a thousand years of devious political minds at work and what happened after they did their devious deeds.

The question of privilege is probably not widely understood, but it is pretty important in a parliament that members be free to speak. We sometimes forget, of course, that in the early days of parliament members did not feel quite free to speak, and while it seems to be stretching the point a little now to talk about it, in the very first days of the British Parliament the members met in secret, and for good reason. They were quite afraid, logically, and the fear was real, that the monarchy did not want these jerks hanging around forming a parliament and said so with great regularity.

In addition to the monarchy not being terribly happy with the idea of a parliament, there were a lot of other people around who did not like it either. So *Erskine May* is fascinating stuff, because members in this assembly in this day and age get a little threatened when somebody serves them with a piece of paper. In the early days of parliament, they used to beat them on the head and there was not much of a discussion about molestation, everybody knew what that meant: somebody was going to beat you up on the way into your parliament. They did this regularly. They would kidnap members and throw them into the Tower of London—

**Mr. Wildman:** That happened particularly to the Speaker.

**Mr. Breagh:** The Speaker was often very threatened by all of this. Now when we elect a new Speaker, there is a joking motion where the leaders drag him into the assembly. In the early days, there was no joke about this. The Speaker was the person who carried the bad news of the



parliament to the monarch and if the monarch did not like what he or she heard, off came the head; off he went to the Tower of London. So at the beginning of the process, it was not quite as—

**Mr. Wildman:** Our Speaker went for the scalp.

**Mr. Breagh:** Speakers should remember that. We could revert to earlier practices.

At the beginning of parliament, all of these kinds of theoretical, airy-fairy, arcane problems were very real to members. Even these days, it is important that we retain the right of the members of the assembly to speak freely, and so we roughly confuse that term of privilege with a lot of other things; but it is not the privilege of an individual member to do what he or she wants. It is the privilege of a parliament to deal with matters, to speak freely, to not be inhibited by means of fear of getting beaten up, which was a very real fear early on. Perhaps these days, a more practical fear would be that someone would serve a member with legal papers on a civil matter and tie him up with litigation.

Most of the members in this assembly, I dare say, have not had this honour and privilege, but I have and so have several other members. On more than one occasion, we have said something in here or outside that somebody did not like.

**Mr. Wildman:** Oh, no.

**Mr. Breagh:** This is hard to believe, I know, but even I have on occasion said something in the chamber or outside the chamber that someone took exception to.

I do not understand this at all and I must confess that the first time that some young, well-dressed person came up to me and handed me what is known as a process paper, I was a little disturbed by it all. I do not normally get sued by people for things that I say. They throw things at me and they yell at me a lot, but they do not normally take me to court. So on the first occasion when this happens, it becomes a little more real in your own mind about whether or not you can be intimidated by someone handing you a piece of paper. The truth is that you can.

As a matter of fact, this bill came about because of that very type of incident happening. I think it was the previous member for Brantford who had said something in here that somebody did not like. Where I come from, they would probably yell at you, and in other quarters it is quite a natural, normal thing that you call your lawyer and your lawyer serves them with pieces of paper and you threaten to take them to court; you are going to sue them for a great amount of money. Essentially, that is all this bill deals with.

It says that you can do that, but you cannot stand outside the door of the chamber and do that. You cannot go to the member's office and do that. You leave him alone while he is in the parliamentary precincts.

In other jurisdictions, they have worked out different ways of doing this. In most parliaments around the world, they agree with the notion that you cannot invade the parliament with your legal staff and threaten the members. Some of them will say, "But you could do that outside," and they will name a street corner where papers of a civil matter can be served. There is no protection here, nor should there be, for any member who has committed some kind of criminal offence.

There has never been an intention to protect members from criminal prosecutions, nor should there be, but the bill itself, in a straightforward way, attempts to put into modern language and modern practice a very ancient tradition and one that I think is important to the workings of a parliament, to the workings of this assembly, and that is to provide the members with a reasonable amount of latitude in terms of what they can say.

### 1030

It would be wrong to go through this discussion this morning without pointing out that members of this assembly, like the members of any other parliament that has offered privilege to its members, have a special obligation. The fact that they should not be sued for things they say in the chamber—that definition is expanded somewhat under this bill—brings with it the obligation to be mindful that they cannot abuse that.

This bill does not offer members any protection at all, nor should it, if they do abuse it. It does not say that they can come in here and call everybody under the sun bad names. It does not mean that they can come into this chamber and accuse someone else of lying or cheating or fraud or things of that nature and carry on in a way that would be irresponsible. Members should not think that they have any protection in that regard, because they do not.

What it does say is that they have a right to come into the parliamentary precincts and do what they were elected to do, and that is to represent their constituents and the people of Ontario in a free and responsible way. If they abuse that privilege, they will suffer the sanctions that all parliaments have, and we have gone through that exercise here, where we think that a member has misbehaved in some way, not in a criminal sense perhaps but not behaved as a member should. We have our own little disciplinary actions for that type of activity.



At the heart of what is in this bill is a very simple premise, that a parliament does not work unless the members of that parliament have some measure of protection to speak freely. In the early days, this was a very real problem and there was a reason why the benches are supposed to be two swords' lengths apart and why the symbol of Her Majesty's power is on the table. It is the old equivalent of a baseball bat, called a mace.

Those traditions are very much a part of this assembly as well. They change in their nature. There are very few members who are beaten up on the way in here, but there are still members who are threatened and impeded from doing their job properly by means of someone either threatening to sue them or actually serving them with papers.

Once this has happened a couple of times to them, the thrill does evaporate somewhat. The members will know that people cannot threaten to sue them, and if they come in here and raise a point of privilege, the Speaker will enforce the traditions of this parliament. Usually, it is sufficient for the Speaker of the assembly to notify the lawyer that they should not have done that. Usually, process servers will know that they should not be serving such documents on members inside the assembly or in the precincts as they are defined here.

That does not stop a good lawyer from doing it, though. Good lawyers know that what you can do and what you legally should do are often two very different things, and although you may have no intention of ever carrying through with a lawsuit, it is not a bad practice to serve people with paper. It kind of gets their heads up and they start thinking about what they are doing.

This bill, I think, is supportable by all members. It is unique in the sense that it is the first time I have seen a committee put forward a bill and the chairman of the committee present it as a private bill. I believe it deserves members' support.

**Mr. Sterling:** At the outset of my remarks, I would like to thank the member for Waterloo North for bringing forward this bill. As he mentioned, this bill is not only his bill but a bill of each and every member of the standing committee on the Legislative Assembly. The member for Waterloo North, like every other member, has only one opportunity each year to bring forward a private member's bill, and I want to thank him for putting on the back burner some of his own individual pet desires in bringing forward a private member's bill and taking on the mandate of the Legislative Assembly committee.

We have heard, both from the member for Waterloo North and the member for Oshawa (Mr. Breagh), the reasoning and the logic behind bringing forward this bill. I will only add that when the incident took place in 1986 with Mr. Gillies, I happened to be a member of the committee when Mr. Gillies was served in a committee room with civil documents relating to a libel and slander suit against him by someone who was under discussion that very day in that committee.

I am not dealing with the merits of whether members should be served or not served in their offices or staff should be served in this building or not served in this building, but what this piece of legislation will do is clarify for the public at large what they are to do when they have to serve either a member of the Legislature or someone who is on the staff of a member of the Legislature. If this bill does become law, which I believe it will, they will know that they have to do it outside these precincts and that normally that is done by phoning the member or phoning the staff member and arranging to meet somewhere outside of these precincts.

That way, we do not have the embarrassment of it happening here or the allegation that someone is being intimidated in his or her duties as a member of this Legislature in what he is elected to do, which is to represent his constituents. I think that is the whole idea behind all of these sections: A member of the Legislature, as an elected representative of his constituents, should not have his personal life, with regard to suit against him in a personal capacity, mixed with that elected duty.

I wanted to comment briefly on the process that we are going through today, because it is somewhat historic in that we have never before, to my knowledge at least, in the last 11 years that I have been elected, had a committee chairman bring forward a bill before this Legislature on behalf of his committee.

I want to talk about three kinds or levels of legislation that we deal with in the House. The first kind of legislation and policy that we deal with is legislation which has a wide-ranging effect on all the public of Ontario and has a very, very high profile. I would group into that kind of legislation and policy-making matters like Sunday shopping, auto insurance, the free trade debate, amendments to the Human Rights Code and those kinds of matters. Generally speaking, that kind of legislation is only brought forward by the government, with strong participation by the Premier and the chief members of his cabinet.



Then on the second scale I would put matters of medium significance. They may be of great significance to some people in our province or some groups of people in our province, but generally speaking, they do not affect the lives of each and every member of the province. I would put into that category a minister's legislation, such as some of the legislation we are dealing with right now from the Ministry of Agriculture and Food. It is very important to our agricultural community, but probably of little general interest to the rest of the population of the province. Their interest is only general as far as the health of our farming community is concerned, it will not be touching them in a very direct manner.

Another matter which I would put into this medium-significance category because of its nature would be my involvement with the Niagara Escarpment plan, where it geographically only deals directly with a number of people, although environmentalists from across the province are interested in it in a certain manner. Generally, those kinds of pieces of legislation are brought forward by a minister and carried forward by him.

The third kind of legislation is the kind of legislation we are dealing with today, and this legislation concerns a relatively small number of individuals in our province and is generally of a procedural nature. It deals with inconsistencies in our laws and situations where it is unclear what the law is or is not. It is in this third category that I would like to see the leadership of the member for Waterloo North and the standing committee on the Legislative Assembly carried forward by other committees of this Legislature.

#### 1040

I do not think that we, as members of the Legislature, should continue to write reams and reams and volumes and volumes of different reports on problems we encounter as legislators, recognize them through long hearings, put them in reports, let the reports sit on the shelf, and then because they are not of a high-profile nature, they are never brought down off that shelf and put into legislation.

We go through life in Ontario with unclear laws, procedures that are cumbersome and inconsistencies in our laws, when in fact a committee of the Legislature has recognized those inconsistencies, has recognized the lack of clarity and could bring forward a bill before the Legislature for us to consider.

At the present time, we have three types of legislation that can be brought forward to the House. We have government bills, which nor-

mally pass all the way through the Legislature. We have private members' bills, which we are dealing with here this morning, which rarely pass through the Legislature, although I think Mr. Epp's will be an exception because of the all-round party support on it. We have private bills, which deal with individual corporations and very minor matters.

I would like to see a fourth kind of legislation. I would like to see a committee-sponsored bill that would receive not only a passing glance, but a serious look by the government House leader, and would be brought forward not only for second reading, as we are doing today, but also for third and final reading. I do not expect the government to allow a committee to bring forward a huge, significant bill that is going to deal with changing the lives of each and every citizen in Ontario. I believe that is the prerogative of the government. That is what they were elected to do.

I see it as very distasteful in the legislative process that as we legislators sit on the committees and recognize there is a small problem here or a small problem there, yet we have no power to change that law, but only to note it in a report and hope that some time in the next 20 to 25 years the minister will be changing his legislation and will include this small change in that legislation.

I do not believe in the maxim, "If it ain't broke, don't fix it." I believe that if you see it is broken even a little bit, you should rush to fix it. That is what we are doing here today. We are fixing a minor cloud in terms of the law in Ontario. I would like to see this government accept more and more committee bills, as I believe it will accept that of the member for Waterloo North. I congratulate him on his leadership in terms of the standing committee on the Legislative Assembly and give him my wholehearted support.

**Mr. Campbell:** I rise in support of the bill of the member for Waterloo North. I want to outline some of the jurisdictional situations that occur in other jurisdictions and deal a bit with the Charter of Rights and Freedoms and its relationship to this bill. I understand other members wish to speak to this and I will not use up my full time so that other members may participate in this debate.

To start, I reiterate a couple of things that have been pointed out by a number of previous speakers. The first thing is that this bill deals with the ability of members to effectively operate and perform their elected duty. It ensures that the historic rights of parliament, which we have



inherited as part of our legislative history, are protected. It does not allow members to avoid responsibilities and duties outside their lives as elected officials. Writs may be served for any private matter, but not within the precincts of the Legislative Assembly.

The House has jurisdiction to keep order and maintain decorum within its precincts, and may make rules with respect to the conduct of strangers admitted to these precincts. The matter of service or delivery of documents within the precincts of the House is not specifically mentioned in the Legislative Assembly Act or the standing orders; hence the need to try and clarify this situation.

However, the principle is well established by parliamentary precedent and tradition that it is contempt of the House to serve, or attempt to serve, a criminal or civil process within the precincts of the House on a day on which the House, or any committee thereof, is to sit, is sitting or has sat, without having obtained the leave of the House or its chief officer, the Speaker.

A member of parliament, as such, is not privileged from the service of process. However, if a member is immune from service of process within the precincts of the House while the House is sitting, it must be in virtue of a privilege enjoyed by the House in its corporate capacity. This privilege is enjoyed by the House in its corporate capacity on the grounds that the service or attempted service of the process of an inferior tribunal in the presence, actual or constructed, of the House is clearly a violation of the dignity of and an insult to parliament.

The immunity and protection afforded by the House may in exceptional cases be withheld, but to draw a distinction between members and other persons in this regard would expose the House to the reproach of stretching the compass of dignity too far and applying it to the individual instead of to the House. This has been recognized in two cases at the House of Commons in London—the report of the committee of privileges in Inspector Henderson's case, 1945, and the report to the committee of privileges in the case of Ray Carter, MP, 1972. Both dealt with and support these reasons for the role of parliamentary law that prohibits the service of a legal process within the precincts of parliament.

In 1972, a complaint was made to the Australian House of Representatives that a summons had been served on a member sitting in the precincts of the House while the House was sitting. At the time it was raised in the House, the

Attorney General said he thought that when it was necessary to serve such documents, those concerned ought not to serve them while the House was sitting in any way that may be regarded as an interference with the movements of honourable members in the House, that those serving a process had ample opportunity to act without coming within the precincts of the House when sitting, and that it was a practice that was to be reprehended.

After looking into the matter, he advised the House that he was of the opinion that the case should not be further proceeded with because the person who had served the summons had not intended to commit a breach of privilege.

Committees of the House are microcosms and extensions of the House itself. The report of the committee of privileges in Inspector Henderson's case had stated: "Indignities offered to committees of the House are resented as indignities offered to the House itself. It will, therefore, be a breach of privilege to serve process whilst the committees are sitting, even though the House itself is not sitting at the time.

"The breach of privilege should not be limited to service of process in the actual view of a committee. Unless each case is to be decided on its particular facts, it is difficult to see how this area, within which protection will be afforded by the dignity of the committee, will be restricted to anything less than the precincts of the House."

In a number of these cases, it is clear right from the beginning of recorded parliamentary history that there is a certain need for allowing members to perform their duties in such a way that they can fully represent their constituents.

I would like to turn to a short discussion on the Canadian Charter of Rights and Freedoms, just to remind members of the House of the parts of the charter that would apply in this situation. Section 1 of the Canadian Charter of Rights and Freedoms "guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

Section 7 says, "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

Section 11 deals with a person charged with an offence and his rights. Section 11 states that, "Any person charged with an offence has the right," and paragraph 11(d) which applies here says, "to be presumed innocent until proven guilty according to law in a fair and public



hearing by an independent and impartial tribunal."

1050

Subsection 32(1) says, "This charter applies

"(a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories, and

"(b) to the Legislature and government of each province in respect of all matters within the authority of the Legislature of each province."

The balance then, as I see it, is a situation where a member is not impeded in any way in performing his or her duties and the Charter of Rights and Freedoms is adhered to as well.

A number of things happened in the cases that have been cited, and I will not cite them again. Members should be allowed to perform their duties without a sword of Damocles hanging above their heads or else the interests of the people in this province cannot be served properly.

**Mr. J. M. Johnson:** I too would like to rise in support of Bill 181. I would like to compliment the member for Waterloo North for bringing this bill forward. My colleague the member for Carleton (Mr. Sterling) mentioned this in his speech. I think it is most important to give credit to this member for devoting his private member's time to the betterment of all the members of this Legislature. We should certainly give him credit for that. He is an excellent chairman of the standing committee on the Legislative Assembly and has always done an excellent job.

I might just mention that I had a personal experience this year when I was faced with the prospect of receiving a summons to appear at an Ontario Municipal Board hearing. I was notified that I would be served with a summons. I advised the young lady who was serving it that I did not intend to accept it in the Legislature. She asked when she could meet with me. I told her that Mount Forest on Friday would be an appropriate time, but that did not seem too convenient for her. I discussed the matter with the lawyer for the case who decided that rather than have a hostile witness, he would be better to leave me out of it. So the case was dropped.

During that period of time, I spoke to T. C. Marshall, director of the crown law office, Ministry of the Attorney General. He advised me that with regard to the service of civil process, summons or subpoena, etc., while the House is in session a member cannot be served within the

precincts of the Legislative Building, that it is a breach of the member's privilege.

That sounds well and good, but the unfortunate thing is that many of the members do not understand that. The member for Grey (Mr. Lipsett) was here earlier this morning and has left. I asked him if he had received a summons of the same nature, because it was the same OMB hearing, and he said he had been served in the House. He said they had not served him personally; they simply left it in his office. I question whether that is legal, but the fact is members are being served in the House. That is just one example that has happened this year.

I congratulate the member for bringing this bill forward, because possibly it will clarify the situation for the benefit of all the members. I encourage members to pass this and then have the government, possibly through the Speaker's office, notify all the members of their rights and privileges, so they will not have to go through the turmoil of making the decision themselves or appealing to the Speaker to determine if they have that right.

I had the opportunity to sit on the standing committee on the Legislative Assembly that made the determination to present the report to the Legislature, Report on the Service of Process within the Precincts of the House, April 13, 1988. I fully supported the recommendation made in that report.

Once more, in closing, I would like to compliment the member for Waterloo North, chairman of the committee, for taking the added responsibility, as I mentioned earlier, of taking his own time in private members' hour to bring forward this very important piece of legislation. If it is not important to the public, it is certainly important to the members of this assembly so they can better serve their constituents.

**Mr. Epp:** I am cognizant of the very little time I have left. I just want to thank all members, particularly the member for Oshawa, the member for Carleton, the member for Sudbury (Mr. Campbell) and the member for Wellington (Mr. J. M. Johnson) who have spoken very forcefully in support of this proposed legislation. I ask all members to support it and I hope it will then be adopted by the government and become part of the Legislative Assembly Act of Ontario.

#### ANIMALS FOR RESEARCH AMENDMENT ACT

Mr. Wildman moved second reading of Bill 190, An Act to amend the Animals for Research Act.



**The Acting Speaker (Mr. M. C. Ray):** The member will know that he has up to 20 minutes for his presentation and may reserve any portion thereof for a windup.

**Mr. Wildman:** At the outset, I would like to pay tribute to the legislative intern who is working with me this session, Brian Wylynko, to my research assistant, Carol Freeman, and as well to Tita Zierer, who have assisted me in the preparation of this legislation.

I would like to reserve some time at the end of my remarks for the windup at the end of the debate.

The purpose of Bill 190 is to prohibit the use of animals in nonmedical experimentation involving the Draize eye-irritancy test or the classical LD<sub>50</sub> acute toxicity test and similar tests. These are the two most commonly used tests involving animals.

Bill 190 prohibits the use of animals in these tests unless the researcher is granted a licence by the director of the veterinary services branch of the Ministry of Agriculture and Food. A licence shall be provided only in the event that the test is necessary for the advancement of medical research.

It is impossible to accurately identify the number of animals used in testing of consumer products and household goods. The Canadian Council on Animal Care estimates that approximately 200,000 animals are used in the testing of various products in Canada each year. In Canada, of the 23 commercial facilities that engage in animal testing, 15 are located in Ontario. United States congressional reports indicate that several million animals are used in similar testing in the United States each year.

In the Draize test, originally developed before the Second World War for purposes of chemical warfare, a concentrated substance such as bleach, shaving cream or deodorant is dripped into one of the animal's eyes, the other serving as a control.

The damage to the rabbit's or dog's eye is measured according to the size of the area injured. The animals scream, claw at their eye and frantically try to dislodge the painful product, but are restrained from doing so. Needless to say, the animals' eyes suffer ulceration, bleeding, gross destruction and ultimately blindness.

The lethal dose 50 per cent, or LD<sub>50</sub> test, is designed to indicate the minimum dose of a product required to kill 50 per cent of the animals used in the experiment. Introduced in 1927 as a means of helping doctors evaluate dosage levels

of medical drugs, the LD<sub>50</sub> has been expanded widely and absurdly into the testing of every consumer and industrial product on the market.

The procedure typically involves force-feeding a given substance—lipstick, shampoo, nail polish, shaving cream, ink, floor polish, oven cleaner, cloth fibre, pencil lead, furniture wax, plastic, paint, etc.—to rabbits, dogs, cats or rats; or forcing the animal to inhale hair spray; or shaving a portion of the animal's coat and applying the substance directly to the skin; or injecting the substance into the animal's mane, muscle, abdomen or under its skin.

#### 1100

Most tests last 14 days: two weeks of diarrhoea, gasping, loss of appetite, salivation, vomiting, excess defecation, bleeding from the eyes, nose and mouth, wheezing, convulsions, paralysis and, for some, death. Any survivors are then killed and examined or sometimes recycled for use in other tests. For each test, 60 to 200 animals are used, all with next to no pain relief administered.

But none of these tests are required by any provincial or federal law. No law exists which specifically requires the use of animals in cosmetic testing. Current legislation places the onus on proving product safety on the manufacturer, who may in turn supply the results of any type of recognized safety testing, be they animal or alternative tests.

Rather, noted scientists maintain that this testing continues simply because of industry inertia. Major manufacturers have no incentive not to test animals. The Draize test is often used to test compounds, such as oven cleaners, which are already known to be harmful to humans. Often manufacturers run excessive and unnecessary tests as part of product promotion. Moreover, these tests are requested by manufacturers as a supposed instrument of protection against consumer liability suits.

These tests are outmoded, unnecessary, impossible to accurately assess, irrelevant to the human condition and cruel. These tests are cruel and alternative methods of testing do exist, methods that are safe and more accurate; alternative methods including cell and tissue cultures using human skin or eye tissue, as well as computer and mathematical models, literature searches, etc.

New ingredients can be tested through the use of computer or mathematical models by comparing the test ingredient's molecular structure to that of other known ingredients. A number of companies have developed software specifically



for this purpose. The use of a battery or combination of tests would produce more accurate results than the use of animal testing.

There are thousands of cosmetic products, in addition, that are already known to be safe and require no testing. Some companies eliminate the need for animal testing by using natural food ingredients, such as avocado or almond oil, seed oil or fruit pulp, where safety is not an issue. Other ingredients are deemed to be safe by the ministry, simply because they have already been in use for decades. Over 200 North American companies produce a variety of high-quality products without resorting to animal tests.

Further, ambiguity of animal-based tests raises the possibility of risk to human health. Animal tests do not guarantee that products will not cause injury to humans. The reliability of the Draize test has been called into question and the LD<sub>50</sub> has been shown to be inaccurate in many instances. Indeed, there are many examples of personal injury, complaints varying from hair loss to death, as a result of using a variety of products which have previously been tested on animals. There are a number of problems establishing validity and reliability of animal tests, including the differences between species, the subjective nature of the tests and the difficulties in extrapolating the results to humans.

The usefulness of information derived from the LD<sub>50</sub> and Draize tests has been highly criticized by prominent scientists. They argue that the toxicity test is ultimately meaningless, providing no information that is useful to medical practitioners in emergency situations.

Consequently, an increasing number of doctors are supporting efforts to ban these tests. In Maryland last spring, Paul Berson, MD, Stephen Kaufman, MD, and Neal Barnard, MD, joined Dr. Ruy Tchau in explaining to the House of Delegates in that state that the Draize test is a cruel test with no applicability to humans.

A number of well-known American physicians are opposed to the continued use of these animal tests for cosmetic and household products.

This is an issue that has received widespread public interest in Ontario as well as other jurisdictions. An Angus Reid poll conducted in January 1987 indicated that consumer and household product testing of animals was an issue which the majority of southern Ontario residents—76 per cent—are concerned about. And 44 per cent felt that the use of animals in these tests “should not be allowed to occur at all.” Also, 36 per cent said they think “animals

are used too often and, whenever possible, researchers should be required to use other methods.” Furthermore, last week I introduced a petition into the Legislature which was signed by 20,000 Ontario residents requesting the banning of the use of animals for testing of such products.

The introduction of this bill has produced a great deal of interest and a good deal of concern among certain elements in the population. I emphasize that, if one looks at Bill 190 and the provisions of the bill, it is not designed to deal with any kind of testing other than a testing of cosmetic products and household products. It does not, in any way, inhibit medical experimentation and experimentation on pharmaceuticals which are being developed to try to alleviate human disease and suffering.

Under the bill, the director would have to license testing, and the researcher would be required to show that there was a medical application of the test. If he could show that, the director would be able to issue a licence. If the director deemed it was not for medical testing and simply a consumer product, the applicant would have the right to a hearing to be able to present evidence and to have the decision of the director changed; the director could indeed change or confirm the original decision.

There has been some suggestion that in some way this bill would impinge upon the treatment of farm animals either by veterinarians or by livestock producers. First, I do not know of many livestock producers who participate in animal experimentation as part of their breeding program. Certainly there are animal growth hormones that are used in some cases but, in my view and my interpretation, this bill does not in any way affect that.

I would hope that members of the House would consider the bill carefully. The reasons for the use of animals for testing is subject to a great deal of legislative concern in other parts of the world. Several current bills or resolutions banning animal testings have been passed or are under consideration in the United States, in such states as New Jersey, Maryland, Pennsylvania, Massachusetts, California, Hawaii and Illinois. In addition, federal Bill 1635 would ban the classical LD<sub>50</sub> acute toxicity test and encourage the use of alternatives to animal tests in the United States. Similar legislation has been passed in West Germany and Australia.

In summary, the Draize and LD<sub>50</sub> tests are barbarically cruel. They are not required by any law. They continue more out of industry inertia than anything else, yet many of these tests are



entirely unnecessary. Many of them are entirely irrelevant, if not dangerous. More accurate tests already exist and are available; for our own protection, I believe they should be used.

Finally, much of the population supports this measure and precedent-setting legislation exists in other jurisdictions. For all of these reasons, it is clear that this is a measure whose time has come, and I hope that members of the House will consider it carefully and pass it for second reading. If it is successful we can refer it out to committee for hearings so that cosmetic and household products companies, laboratories and other parties interested in animal welfare would be able to present their views on the bill and how it might be improved and made more effective. Thank you, Mr. Speaker. I reserve the rest of my time.

1110

**The Acting Speaker:** The member has reserved six minutes and 30 seconds.

**Mr. Villeneuve:** I rise to participate in the debate on Bill 190, a bill which, in my opinion, must not be the thin edge of the wedge which may ban outright the use of animals for research. I think it is of concern to a great many people, as was suggested by the member for Algoma (Mr. Wildman), who is sponsoring this bill.

However, I have to quote from a very credible organization, the University of Western Ontario Health Science Centre. I believe it has some concerns to be brought to this debate and I will be quoting in part from correspondence recently received from that university.

"The letter that Mr. Wildman has circulated is a classical hallmark of the animal activists, and we suspect that they are the ones who wrote the letter for Mr. Wildman. It has a great number of ill-informed and grossly exaggerated statements.

"For instance, where did the figure of '200,000 animals' come from, 'subjected to immense suffering'? There are only about four businesses, to our knowledge, in Ontario involved and they generally function under federal contract and by federal requirement. Not much cosmetic and household-product testing is done in Canada. The number of animals, species not specified, bears no relation to the facts.

"The Ontario Ministry of Agriculture and Food and the Canadian Council on Animal Care carries out inspections and would not permit 'immense suffering' as stated in the correspondence.

"The intent of the act, Bill 190, is to prohibit the use of animals in the two specified tests, irritancy and toxicity, and similar other tests

which are not specified, and this is alarming to the university. The testing is done to ensure public safety. Thousands of children swallow cosmetics and household products every year. The paint used on toys, etc., must be tested for safety. The consequences are very much medical. If such a bill is passed, it would create chaos in relation to federal law. Companies would not be covered and would move to Quebec or the United States."

That is an observation by a very credible organization, the University of Western Ontario.

There are many reasons animals are needed in research and medicine and why animals cannot be replaced by tissue culture or computers. I will quote here again from a University of Western Ontario booklet, *Why Do Animal Research?*

"The benefits which animal research have brought to mankind are astounding. The extension of the average human lifespan from 45 years at the turn of the century to 70-plus now is largely due to research done with animals. Some of the countless examples of how research involving animals has enabled millions of people to live longer, healthier and happier lives include the production of insulin, penicillin, polio vaccine, smallpox vaccine, cortizone, etc. Short of experiments on humans themselves, animals offer the best hope for finding the cause and treatment and cure or the prevention of diseases such as cancer, Alzheimer's, AIDS, multiple sclerosis, cystic fibrosis and muscular dystrophy. We must make sure that this is not the thin edge of the wedge.

"Tests on research animals are necessary to test chemicals being developed for use in agriculture. Such testing will have to continue and is necessary as long as consumers," and we are all consumers, "insist on cheap food policies from their government and from agriculture. Cows, hogs, sheep, poultry are not the only animals used in agriculture; mice, rats, chickens, fish and ducks are used as test animals for basic agricultural research and for product development and to establish the various toxicity levels.

"The reality prompts the following questions: What are these test animals used for? Is it right to use animals in this way? Can the number of experimental animals be reduced by developing alternative testing procedures? Our opinions about the animal rights issue affects the way we think about animal testing." There is a great deal of emotion attached to some of the statements that come from this organization. Toxicity tests are required for many commercial products used in agriculture. Before such a product is allowed



to be marketed, Agriculture Canada, Environment Canada and Health and Welfare Canada have to review applications for permission to market.

"Products are tested for toxicity—the ability to kill animals—on mice, rats, ducks and fish. The product may also be tested for irritability on rabbits, on goat skin, etc. A company that produces herbicides carries out these tests or the company contracts out the testing to an appropriate firm." Test results are supplied to and reviewed by the government agencies mentioned above.

Herbicides may also be tested by government labs in order to establish the ability to cause harmful changes in the genetic material of organisms. We use products and we want to be able to say that they are safe for both animal and man. Large animals such as cattle can also be used as test animals, of course. Recently, this became a matter of concern in Alberta where beef cattle were force-fed crude oil in order to test the ability of cattle to withstand exposure to oil in oilfield areas. Dr. Stephen Threlkeld at McMaster University in Hamilton condemned the experiments as impractical and inhumane, but we still have to know what would happen should we have the misfortune of having livestock contaminated in an oil well area.

Alternatives to the rabbit eye test, the test for irritation by chemicals, are being developed. These must be looked into. We always are concerned, particularly in the field of agriculture, that animal rights activists, who are very prominent in our society, make very emotional statements. This always creates a lot of nervousness in the agricultural community, not only affecting farmers directly but affecting the products that they use—the herbicides, pesticides, fertilizers and some of the medication that must be used to keep a herd of animals or whatever, livestock or domestic animals which are being used in the production of income.

The type of test that most people object to, that is the use of research animals by cosmetic companies, seems to account for a very small portion of research testing on animals. A November 1985 article in the *Economist*, for example, found that in England only one half of one per cent of research animals were tested for cosmetic and toiletry companies.

The two tests mentioned in Bill 190, the Draize eye-irritancy test and the classical LD<sub>50</sub> acute toxicity test, came under criticism in the United States as far back as 1981. The US Food and Drug Administration had dropped require-

ments for LD<sub>50</sub> data for virtually all cosmetic and drug products. The Environmental Protection Agency also dropped its LD<sub>50</sub> requirements in favour of new acute toxicity testing guidelines.

Companies such as Du Pont, Dow Chemical, Avon, Colgate-Palmolive, Procter and Gamble, Union Carbide and many others have all adopted new testing procedures which either utilize fewer animals or which have replaced tests on mammals with tests on lower-order life forms such as earthworms. We just wonder what animal rights activists would say, indeed, if testing were to be done on earthworms as opposed to some of the testing that is done now. These steps represent clear progress, but are still unacceptable to many animal rights activist groups. Traditional supporters of animal welfare will support this bill, but it will probably not have the support of the real radical animal rights activist groups.

I, as a farmer, one who lives from the land, am very concerned about this bill, and as I said before the very real possibility that it is the thin edge of the wedge. I believe that if this bill does proceed successfully today, it should go to a committee where we could have a clearing of the air.

The facts have to be set straight. I think emotions can only go so far. We have to bring forth the facts, both from those who are concerned—and I believe that is everyone—and those who are doing the testing and providing us with the materials, particularly as agriculturalists and as humanitarians—there should be assurance that the tests are indeed done in a humane fashion.

#### 1120

**Mr. McGuigan:** If this bill is passed, it will prohibit the use of animals for consumer product testing. I just want to point out that among the consumer products are the products that keep our households clean and free from rats, mice, cockroaches and a whole host of biological items that prey upon and live with man. Of course, the people who use these and the children who live in those houses need to have animal tests to prove safety.

Under present federal regulations, manufacturers of cosmetics and household consumer products are required to prove that products are safe when used as directed, and in some instances this requires animal testing. However, cosmetics that use formulas and ingredients that have been used for many years are not tested.

I would like to say at the outset, just to lay it out, that as part of the hazardous material standards, the workplace hazardous materials



information system repeatedly refers to the use of the LD<sub>50</sub> and the LC<sub>50</sub> tests for assessing the toxicity of chemicals to which workers will be exposed. Here we are talking about the hundreds of thousands of workers in this province who work with chemicals. Those chemicals must be tested and, unfortunately, they must be tested on animals.

**Mr. Philip:** Why?

**Mr. McGuigan:** To prove their safety.

The member's presentation surrounding this bill contains flaws and errors which require clarification and further study. The member for Algoma claims that each year in laboratories across Canada, and particularly in Ontario, 200,000 animals are subjected to immense suffering when used to test cosmetics and household products.

Ontario veterinary inspectors maintain that registered research facilities in this province use less than 300 rabbits per year for skin irritancy and eye tests. About 1,700 rats and some rabbits are used for acute oral and skin toxicity tests on consumer products. It is obvious then that Ontario is not a major contributor to the member's claim of 200,000 animals.

The member also maintains that testing of bleach is conducted by introducing the substance into the eyes of animals. Veterinarians responsible for inspecting facilities under the Animals for Research Act have never seen or heard of such tests conducted in Ontario. They consider this notion ridiculous, as a simple litmus paper check will confirm the harmful properties of bleach, without using such a substance on animals.

Quite a few years ago, the child of a neighbour of mine drank some bleach. I meet this person and he is still carrying the bad effects of it.

If the irritancy of a product such as baby shampoo or fabric softener cannot be classified as safe or as harmful through a nonanimal test, an animal may be used to determine a product's safety for consumer use. If the testing of such a product calls for an eye-irritancy test, local or general anaesthetics are required to prevent unnecessary pain when there is a risk of eye tissue damage.

The member has focused on the Draize irritancy test, the classical LD<sub>50</sub> test and other similar tests. The bill is ambiguous on other similar tests and its description of the tests to be prohibited. This ambiguity must be cleared up. Moreover, the classic LD<sub>50</sub> test is not done frequently in Ontario. In a majority of cases alternatives are used, such as the repeated-dose oral toxicity test. This test requires fewer

animals, causes less mortality and provides more information.

The nature of consumer products which can no longer be safely tested within this bill require more thought and definition. I am concerned that the term "consumer products" when used in this bill goes beyond cosmetics and everyday products to encompass preventive products such as sun blocks for sunburn and skin cancer. These are tested and can be classified as consumer products.

While I am in agreement with the principle of this bill, that is that we should not unnecessarily cause any pain or suffering to animals, its present form is unworkable, as the federal government and the courts have not yet accepted nonanimal testing alternatives. The Minister of National Health and Welfare, the Honourable Jake Epp, has stated that there is no alternative to the LD<sub>50</sub> test for toxicity assessment and that this test must continue in use until such time as an alternative can be found.

The chlorioalantic test using egg yolks to test the irritancy of products on tissue is still deficient in that it does not show the varying degrees of irritation. It simply shows irritation or nonirritation. Furthermore, the egg yolk test does not demonstrate healing. Once the egg yolk tissue is damaged it cannot heal.

Any information is important should there be a human accident with a substance. It is not possible to totally abandon the testing procedure involving animals in favour of nonanimal procedures until it is demonstrated that the latter produce results that are at least as reliable as those obtained from animals.

As part of the hazardous material standards, the workplace hazardous materials information system repeatedly refers to the use of the LD<sub>50</sub> or LC<sub>50</sub> test for assessing the toxicity of materials to which workers will be exposed.

The Minister of National Health and Welfare has also made it clear that the Draize eye-irritancy test, for which there is no present alternative, is essential to determine the hazards to human eyesight which are posed by commonly used materials at home or in the workplace. How can we endorse legislation requiring such testing and then make it difficult, if not impossible, to carry out the tests in Ontario?

Alternatives are not sufficiently developed to replace animal testing. It will have to be phased in as progress is made. It is my understanding that the Minister of Agriculture and Food (Mr. Riddell) has asked his staff to work on a strategy



to encourage the development, acceptance and use of nonanimal alternatives for testing.

**Mr. Philip:** Another study. You guys should apply for Ontario student assistance program grants. You do more studies than university graduates do.

**Mr. McGuigan:** That is why we do the proper thing. There is a chair at the University of Guelph designated to advance quality care of animals. The care of all research animals in Ontario is inspected by veterinarians under the Animals for Research Act. It is the only comprehensive animal care legislation for research animals in Canada.

An Act to amend the Animals for Research Act contains too many ambiguities in its wording that might prove detrimental to veterinary, scientific and beneficial product advancements.

Just on a personal note, I graduated from the Ontario Agricultural College in 1946, a time when a great many of these chemicals were coming on the market. I remember reading shortly after about a group of workers in one of the southern states who did not return from the tobacco field when their work was done in the evening. They sent out to find out what had happened. They were all dead, about 12 of them. They were all dead because they were using a product that had been recently put on the market.

I do not know whether the proper tests had not been conducted or whether the workers simply had not been given the proper instructions about using the chemical, but it was an indication—I raise this as an extreme example—of what can happen when we do not have proper testing and we do not have proper information. We cannot get that information to give out to people until the testing is done. Unfortunately, in some cases it does require some sort of animal involvement.

We have only a few seconds left, so I will relinquish the floor.

1130

**Miss Martel:** I am pleased to speak on behalf of my colleague the member for Algoma and in support of Bill 190, An Act to amend the Animals for Research Act. I know there have been several concerns raised from both sides of the House about the issue. My colleague has reserved quite a bit of time for a response and I will allow him to do that.

I do want to say that I support the bill and I support its aims. The bill, which is the first of its kind in any jurisdiction in Canada, is designed to ban the use of animals in nonmedical testing. Currently, we all know that animals are employed in a wide range of experimental research

involving psychological and medical research and testing of food additives, pesticides, tobacco, drugs, etc.

Bill 190 does not deal with medical or psychological research or any of the above that I have mentioned. Let me repeat, it does not involve any of the above. What it does is concerned solely with those animals that are now used in testing of cosmetic and household goods and products. The use of animals for such testing is cruel and unnecessary.

It is not acceptable that animals suffer so that a product, in terms of cosmetics which are neither vital nor necessary, may be produced. Cosmetic and household product testing is a far cry from testing for medical or pharmaceutical research. Surely the former cannot be sanctioned merely to satisfy some notion of vanity, especially when alternatives to animal testing do exist.

Bill 190 proposes to prohibit the use of animals in nonmedical experimentation involving the Draize eye-irritancy test or the classical LD<sub>50</sub> acute toxicity test and similar tests. Note that these are tests used for cosmetic and household products and not for medical research.

In Draize or similar eye-irritancy tests rabbits are used because the structure of their tear ducts means that they cannot rid themselves of substances in the eye. Products such as shampoos or hair sprays are tested by dripping or spraying them into the eyes of conscious rabbits which are restrained by stocks. This can continue for up to seven days to measure the amount of damage done to the eyes.

The reactions that laboratory employees are looking for include the degree of swelling and the amount of blood, pus and irritation that form. Blindness due to corneal damage often occurs. Throughout, the animal is often tightly restrained to prevent removal of the irritant. Palliative treatment is often nonexistent and attempts to minimize the pain of the animal are token at best.

In the second test, the LD<sub>50</sub> or toxicity test, substances are tested to see how potentially poisonous they might prove to be. A group of animals is force-fed large quantities of a substance, such as lipstick or floor polish, until at least 50 per cent of the chosen group perish. If all of the animals die in the first test, the test is repeated with lesser doses of the materials being used each time on a new batch of animals until just 50 per cent perish.

It is estimated that 200,000 animals are used each year in Canada to test these products. There have been suggestions on both sides, from the member for Stormont, Dundas and Glengarry



(Mr. Villeneuve) and the member for Essex-Kent (Mr. McGuigan), that the number 200,000 is not correct. Let me explain where that figure comes from.

In 1980, Dr. John Gilman from the Canadian Federation of Humane Societies did a survey of 204 separate Canadian institutions that did testing using animals. Of those, 144 or 70 per cent responded. That included 71 of about 84 government agencies; 50 per cent of industrial labs or laboratories also replied. The total number, in terms of animals being used by the group that did reply, was 212,727 animals utilized for testing. I must say that, even though the survey was done in 1980, I would not think that the number of animals used in testing has decreased since then, given the proliferation of both cosmetic and household products on the market now.

The member for Stormont, Dundas and Glengarry mentioned that there were only four firms in Ontario that were using testing of animals for cosmetic and household purposes. The member for Algoma has pointed out to me that the executive director of the Canadian Council on Animal Care, Harry Rosell, has said there are at least 15 firms in Ontario that use animals for cosmetic and household testing. There are 23 across Canada.

The question remains why these tests are used. Cosmetic and household companies which use animal testing, for example, Avon, Procter and Gamble, Lever Bros. and Gillette, just to name a few, state that human safety is their prime concern. They want to ensure two things: first, that their customers can use products without any harmful side-effects; second, that workers in their factories are safe when they handle ingredients and products in large quantities. Industry officials claim that the most effective way of meeting these concerns and of complying with safety regulations is to test on animals.

The facts remain, however. First, neither the federal nor the provincial governments in this country require these tests. Government officials require only that manufacturers introduce products that are considered safe for public use. They do not specify the tests that have to be used to ensure safety. Second, the real reason that companies conduct these tests is to protect themselves from possible consumer liability suits. Proof of that is that many of the products that are tested, such as septic tank cleaner and oven cleaners, have been tested previously and are known to be toxic. Companies, however, can

redo the tests so that they can be used as a fallback position in a court of law if necessary.

But now it also seems that some courts are no longer accepting these tests. Over the past year, when companies have produced the test results in United States courts, the judges have thrown the evidence out of court, ruling that it is impossible to extrapolate from results on animals to humans.

There are alternatives that can be used to avoid animal testing. To begin with, companies can use what is known as "GRAS ingredients," that is, those that are generally recognized as safe. They include ingredients which have already been tested before through continuous human use or ingredients that are derived from plants and vegetables, which have been used for a long time without ill effect. The Body Shop, for example, particularly uses honey, beeswax or almond oil in all of its products.

Other tests which do not involve animal testing are also being perfected at this time. The Food and Drug Administration, the Environmental Protection Agency and the Consumer Product Safety Association have accepted some of these tests as of September 1988. These include bacterial testing—in vitro tests are used where, instead of testing on a live animal, cells are taken from an animal and preserved in a cultural dish for future testing—and the use of computer analysis. Data about a substance can be fed into a computer to predict how it will behave when it is combined with other chemical substances and used on human skin.

Companies continue to test their products on animals because they believe this will protect them from any possible lawsuit. Industries are slow to adopt alternatives to animal testing because officials have no incentive, whether financial or otherwise, to do so.

The process of switching from animal testing to alternatives will cost money, but implementing alternative tests in the long run is going to save industry money. One company, the National Testing Corp. of Palm Springs in California, has claimed that it can test three concentrations of a chemical for \$99.50, compared to a cost of more than \$1,000 for a Draize test of similar scope.

I believe change to alternative testing is inevitable but, as legislators in this province, we have an opportunity to accelerate the process to avoid unnecessary suffering of animals and rid the province of this practice.

#### 1140

The public wants animal testing to stop. In an Environics survey conducted for the Toronto



Humane Society, two thirds of Ontarians surveyed indicated they would support a law to ban the use of animals for cosmetic and household testing. In a survey released by Cosmopolitan magazine in January 1987, 98 per cent of those who responded replied they were against the use of animals to test cosmetics.

As mentioned earlier, my colleague the member for Algoma tabled a petition with 20,000 signatures on it in this House last Thursday. I think that ought to be evidence enough of how the public would like to see this House act today.

Other jurisdictions, such as Australia and Germany, have already passed laws to stop the use of animals in product testing. Legislation on testing is also being debated in Illinois, New Jersey, Maryland, California, Pennsylvania and Massachusetts, and there are two bills in the American Congress at present.

It is something to consider that, of the 23 Canadian commercial facilities which engage in animal testing for cosmetic and household products, 15 are located in Ontario. Is it not about time that we in Ontario took the lead in this issue?

Please consider what we have heard today: the cruelty of the tests involved, the lack of the need for them and the alternatives that are being presented. Also consider what the public has had to say on this issue.

We have a chance to implement changes that the public is in favour of and that companies are slowly moving forward to. I hope that everyone in this House will consider supporting Bill 190 so that it can go into committee where a more fruitful discussion on all of the alternatives and the entire situation can take place.

**Mrs. Marland:** In rising this morning to speak to Bill 190, An Act to amend the Animals for Research Act, I want to reconfirm for the record the explanatory note of this bill. The purpose of the bill is to prohibit the use of animals in nonmedical experimentation involving the Draize eye-irritancy test, the classical LD<sub>50</sub> acute toxicity test and similar tests.

As the mother of a child who died of leukaemia, I think I understand as well as anyone the necessity for medical research and the necessity to use animals in medical research. I want to make it very clear that I am not standing here this morning with any remote suggestion of support for this bill based on the use of animals in medical research. I support the necessity for the use of animals in medical research.

What this bill is addressing is the unnecessary use of animals in nonmedical experiments. The

bill is not even general in its terms. The bill has specified two particular nonmedical experiments. In fairness to the public, it is important to put on the record exactly what those nonmedical experiments are.

One of the experiments referred to in the bill is the Draize eye-irritancy test. I would like to quote from a doctor of veterinary medicine by the name of Michael Irving:

"The Draize test has long been used in research as an indicator of the tissue irritancy of a chemical or combination of chemicals. It is performed by applying various concentrations of a product into one eye of the research animal, usually a rabbit, while using the other eye as the normal control. These animals are restrained and observed for 48 hours after this application. Because of the lack of similarities between the eyes of rabbits and humans and the subjective nature of qualitative analysis, this test has been refuted both medically and legally for years. Moreover, it is not required by law for the final marketing of any nonmedical product in both Canada and the United States.

"Furthermore, with recent technological advancements, there are multiple humane alternatives: the CAM test, cell cultures, Epi-packs and computer modelling software. The CAM test utilizes the outer membrane of the chicken egg without pain, at lower cost and with equal or greater accuracy. Epi-packs have been developed by tissue culturing animal and man and exhibit excellent parallels to previous animal tests. Health Designs Inc. has also developed a computer software package, Top Cat, that can extrapolate results as an alternative to both the Draize and the LD<sub>50</sub> research."

That is an opinion of a doctor of veterinary medicine.

I also want to read into the record a letter from the Honourable Jake Epp, who is the Minister of National Health and Welfare:

"There is no requirement for premarket approval of cosmetics by the health protection branch. In order to sell such a product, it is sufficient for a manufacturer to have data available to him which shows his product to be safe when used as directed. This policy is based on the knowledge that materials commonly used in cosmetics have been tested extensively in the past and have been shown to be nontoxic. Thus, manufacturers of 'pain-free' cosmetics are simply saying that they have not tested the ingredients in their products. I can, however, assure you that they have previously been tested elsewhere."



I think if the Minister of National Health and Welfare is saying that premarket approval of cosmetics by the health protection branch of this country is not a requirement, either we do not feel secure in the policies of the Department of National Health and Welfare or we accept the knowledge of the people within that ministry. I would suggest with respect that if the health protection branch of any department of the federal government is saying that there is no requirement for this kind of testing then who are we to argue? It certainly goes without saying that the people in that federal department are people with all kinds of background and experience and medical and nonmedical scientific qualifications.

I know we cannot avoid having people on both sides of any issue, but I do rather wonder if this debate would be the way it is if perhaps we were talking about using thoroughbred horses for testing instead of mere rabbits in some cases. If we were to use purebred dogs or a very valuable species of any highly bred animal, either domestic or otherwise, I wonder whether in fact we would think that it was okay.

Are we saying that it is okay to use dogs, cats and rabbits because they are not thoroughbreds? Are we saying we use animals based on their ability to understand the experience they are being subjected to? Are we saying we would not use thoroughbred horses and precious and valuable animals of any species because they have a higher intellect? I did hear a reference this morning suggesting we might next want to protect earthworms. I must say I did take rather strong exception to that suggestion.

**1150**

I think that when we are debating something, we had better be sure that we are debating what is before us. At the beginning of my comments this morning, I read what was before us in this private member's bill. We are talking about a very specific area of nonmedical experimentation. We are talking about a very specific area of testing for some very specific reasons. I would not be standing here suggesting that I would support this bill if there were not alternatives. What I am suggesting is that where that kind of testing is necessary there is an alternative, and where there is an alternative it behooves all of us to be responsible enough to make sure that it is used.

I hope the members of the Legislature this morning will support this bill in its context, which is for nonmedical experimentation on animals.

**Mr. Speaker:** In view of the time reserved by the member for Algoma, there are approximately two minutes.

**Mr. Mahoney:** I understand the member for Algoma would like about four minutes to wrap up at the end, so I will try to work within that time frame.

It is interesting this morning that this is a unique opportunity for me, because I have had many chances to rise in this House following the member for Mississauga South (Mrs. Marland).

Today, I rise in substantial agreement with many of the comments that were made. It is a shock to many members perhaps, but there are issues that come along once in a while that are not clearly black and white, that are not simple, whether we are talking about capital punishment, on which side of the line we want to stand, or the abortion issue. This issue, frankly, is an issue that belongs in that category. As individuals elected to represent the people of this province and our own constituencies, there comes a time when we have to decide where we are going to draw that line and which side of that line we are going to stand on.

I understand the arguments from the farming community. I understand the agricultural people who say this testing is necessary. They feel it is pragmatic and should be done. I tried to listen with a certain amount of understanding and sympathy, perhaps relating to their background. But again I say, in the 1980s and 1990s, do we really need to subject other living beings to such incredible tests to determine whether or not it is safe to use a certain kind of mascara or lipstick or furniture polish? I find it barbaric.

The member for Mississauga South referred to a couple of tests; I also understand they have not been adopted by the federal government yet, but at least they are tests. Perhaps we need to work more towards refining those tests and coming up with something the federal government could accept. I do not think the fact that we would be out of step with the federal government and its recommendations should bother this House. In fact, we could show leadership in this area and try to work with the federal government and other jurisdictions to encourage them to accept other tests, and we could work with the technological industries to come up with better ways of testing, be they through computer-aided facilities or whatever.

I find, in the short time I have, that I have difficulty dealing with extremes on either side of this particular issue: the extreme of some of the animal rights groups who say, "Don't test for any



reasons," and I quite agree with the previous speaker that we must test for medical purposes. In fact, one of the reasons I am able to support this bill is that by implication it clearly supports testing for medical reasons because it clearly says that it is only in the area of cosmetic and household products that this testing should be banned.

The other argument about its being the thin edge of the wedge is exactly the opposite. In fact, instead of being the thin edge of the wedge to lead to further banning of testing for medical purposes, it clearly excludes that sector of the testing industry, the scientific community. I think it serves the opposite purpose.

Let me just say that even though I do support this bill, normally I have found that policies and philosophies coming from the opposition party are somewhat ideological and based on emotionalism rather than coming from a pragmatic point of view, but I think this bill is very pragmatic and I congratulate the member for taking what I consider to be a very liberal, middle-of-the-road, understanding position on this issue.

**Mr. Wildman:** I thank all members for participating in the debate, particularly the member for Mississauga West (Mr. Mahoney), the member for Mississauga South and the member for Sudbury East (Miss Martel) as well as the member for Stormont, Dundas and Glengarry and the member for Essex-Kent.

The member for Mississauga South explained very well the purpose of the bill and I appreciate her support, particularly in relation to her personal concerns about the medically necessary testing.

The member for Sudbury East explained exactly how many tests were found in the 1980 survey to be done on animals by 70 per cent of the institutions that responded in Canada to that survey. We do know now that there are many more than four firms, as was suggested.

I want to emphasize that I can understand some of the concerns of members of the farming community that have been expressed this morning, but I reiterate that this bill does not touch anything related to farming or to the kinds of studies being done which are related in any way to human health and the health of food products. Those are not touched by this bill at all.

We are dealing with cosmetic products and household products. If this bill passes second reading, as I hope it will, it is my intention to request that the bill go to the standing committee on resources development for debate and for hearings so that it can be amended to resolve

some of the ambiguities some of the members have found in the wording of the bill to make it clear that it is for nonmedical experimentation. It is not designed in any way to inhibit testing that will be done to assure that human disease is ameliorated.

Now that the members have heard the debate, I hope their concerns will have been allayed, particularly by the members for Sudbury East and Mississauga South, so that they will now find it possible to vote for second reading, so that we can send this to committee for hearings and amendment, so that we can be one of the first jurisdictions in North America to ensure that we do not impose suffering, pain and death unnecessarily on other species in our jurisdiction on this planet.

**Mr. Speaker:** I believe that completes the allotted time for private members' public business. It is so close to 12 o'clock, we will deal first with Mr. Epp's motion for second reading of Bill 181, An Act to amend the Legislative Assembly Act.

1200

#### LEGISLATIVE ASSEMBLY AMENDMENT ACT

**Mr. Speaker:** Mr. Epp has moved second reading of Bill 181.

Motion agreed to.

**Mr. Speaker:** So this bill goes to committee of the whole House?

**Mr. Epp:** Mr. Speaker, I understand the three party leaders and the whips are in full concurrence with this bill and I ask for unanimous consent that it be ordered for third reading.

**Mr. Speaker:** The standing order certainly states that a private bill shall go to committee of the whole House unless the majority wishes it to go out to committee. However, you have asked for unanimous consent. Is there unanimous consent that this stand in Orders and Notices for third reading?

Agreed to.

Bill ordered for third reading.

1205

#### ANIMALS FOR RESEARCH AMENDMENT ACT

The House divided on Mr. Wildman's motion for second reading of Bill 190, which was agreed to on the following vote:

**Ayes**

Beer, Breaugh, Bryden, Callahan, Charlton, Cooke, D. R., Cooke, D. S., Cordiano, Dietsch,



Farnan, Faubert, Hampton, Henderson, Johnson, J. M., Johnston, R. F., Kormos, Laughren, LeBourdais, Mackenzie, Mahoney, Marland, Martel, Miclash, Morin-Strom, Nixon, J. B., Offer, Philip, E., Ray, M. C., Reville, Runciman, Ruprecht, Velshi, Wildman.

**Nays**

Adams, Ballinger, Bossy, Brown, Campbell, Cleary, Collins, Cunningham, Daigeler, Elliot,

Epp, Fawcett, Fleet, Leone, Lipsett, Lupusella, McCague, McGuigan, Miller, Neumann, Oddie, Munro, Pelissero, Poole, Reycraft, Roberts, Smith, D. W., Sola, Sterling, Sullivan, Wilson.

Ayes 33; nays 30.

Bill ordered for standing committee on resources development.

The House recessed at 12:10 p.m.

## AFTERNOON SITTING

The House resumed at 1:30 p.m.

## MEMBERS' STATEMENTS

## LEAD IN DRINKING WATER

**Mr. R. F. Johnston:** Lead is a highly toxic substance that can affect the human nervous system at extremely low levels. Concerns over lead exposure were recently highlighted when levels of lead in the drinking water at several elementary schools in Ontario were found to grossly exceed the federal guideline.

At that time, the leader of my party and the member for Etobicoke-Lakeshore (Mrs. Grier) asked questions of the Minister of Housing (Ms. Hošek) about the use of the lead solder and the banning of the substance under the Ontario Building Code. The minister announced the ban in response to our questions. That was on November 29.

The minister said, in part: "...this whole area has been out for discussion to the concerned groups, including environmental groups, since August. None of them have raised this issue of safety." We wondered just who these environmental groups were, so we contacted the Canadian Environmental Law Association, a leading group on lead problems, and they had never been consulted.

We contacted the buildings branch of the Ministry of Housing to see which environmental groups had been consulted. The answer was—just hold your breath now—"the Ministry of the Environment." We would like to set the record straight for the benefit of this House and for the public. The Ministry of the Environment is not an environmental group. We would be happy to provide the Minister of Housing with a complete list of the real environmental groups in Ontario which could have helped her on the issue of lead in the buildings of this province, had she asked. It seems her only contact is the Minister of the Environment (Mr. Bradley).

## ABANDONED URANIUM MINES

**Mr. Pollock:** The subject of decommissioning the Madawaska Mines has been raised in this Legislature once before. It was to be terminated on November 30. It has not been terminated as of yet. The question still remains: Who is responsible for these abandoned mine sites?

Whether the Madawaska Mines is decommissioned or not, it at least has a gate across the

entrance and keeps out the general public. There are two other abandoned mines in the area, Dyno and Bicroft. The public have open access to these uranium mine tailings and occasionally have the odd beer party on them and trespass on the site. What the immediate danger or long-term danger is, no one seems to know. Neither the federal nor the provincial government is accepting responsibility.

In a letter to the reeve of the municipality, Marcel Masse, the Minister of Energy, Mines and Resources, stated that: The question of jurisdiction is a complex one and has not yet been fully resolved. This should be addressed before decommissioning takes place.

In the case of the Madawaska Mines uranium tailings, there is no grass over these particular tailings, and the wind blows them around. This will have to be addressed.

## HUMAN RIGHTS

**Mr. D. R. Cooke:** This year marks the 40th anniversary of the Universal Declaration of Human Rights proclaimed by the governments in the United Nations. It offers a vision of a world without injustice, without discrimination and without cruelty, but that promise has not been fully kept. Not only are the basic rights to food, housing and security denied to millions, but in some countries people are jailed for their beliefs, tortured or killed. Often, even these people who speak up peacefully in the defence of human rights become victims themselves. They suffer years in prison or are abducted and never seen again.

These abuses create a climate of fear. They are an affront to human dignity, and they must be stopped. Working towards that end is Amnesty International, a worldwide movement of people trying to ensure wider respect for the fundamental rights proclaimed by the Universal Declaration of Human Rights. Their petition has been translated into 58 languages, and copies have been sent to nearly every country in the world.

At 10 a.m. this morning at the United Nations headquarters in New York, more than 2,700,000 signatures from 120 countries were presented on petitions calling for urgent action to protect human rights throughout the world. Nearly 250,000 of those signatories are Canadians.

Group 71, one of four Amnesty International branches in the Kitchener area, contributed a significant number of signatures to those peti-



tions and should be congratulated on its commitment to ensuring justice for all.

#### NORTHERN SUPPORT GRANTS

**Mr. Hampton:** When the auditor released his report, he mentioned on page 107 the need to re-examine northern support grants. It is a revealing statement. He says, "The northern support grant was established...to reduce property taxes below the levels prevailing in the rest of Ontario." He makes the note, after some other comments, that he feels that perhaps the northern support grant is too large and gives too much benefit to communities in northern Ontario, and he makes some comparisons, specifically using the communities of North Bay and Thunder Bay in terms of housing prices.

I want to say to the House that I would be quite willing to take the auditor and his staff on a tour of what I consider to be at least part of northwestern Ontario so that the auditor's staff might understand how usefully these northern support grants are put to work.

For instance, we would go to Ear Falls, where the mines have closed and there is a large degree of unemployment; or Atikokan, where the mines have closed and there is 25 per cent unemployment and the community has a great deal of trouble paying for its municipal infrastructure; or Ignace, where the mines have closed, throwing 200 people out of work, and the town must now find the money to pay for a municipal sewage system that was built some 15 years ago; or Rainy River, where the railroads have left; or Nakina, where the railroad has left; or Longlac or Geraldton—many of the communities in northern Ontario that need these municipal grants.

#### EASTERN ONTARIO

**Mr. Villeneuve:** The Liberal government has ignored eastern Ontario for the last three years, drastically and dreadfully. From school and health unit funding to funding for conservation authorities, there has been nothing but neglect. Even the provincial government's own operations have been scaled down.

One example is at the G. Howard Ferguson Tree Nursery, where employees of many years have been let go. At the time, the government pretended that these staff were not necessary and that their work could be done on a less regular basis. The facts, of course, are completely different. At this time, entire varieties of nursery stock are no longer available from the nursery for 1989 transplanting in eastern Ontario.

This coming Monday, the Minister of Industry, Trade and Technology (Mr. Kwinter) plans to announce the government's new initiative for economic development in eastern Ontario. It is difficult to take the Liberal government seriously when it talks about economic development in the region at the same time that the region is neglected in the government's own operations.

Some members in this House will remember that it was the Ontario Progressive Conservative Party that began moving government operations eastward towards Kingston, and that is where eastern Ontario starts. However, the Cornwall area, in particular, has been neglected by this government. While the federal government has Parks Canada and the Department of Transport training institute at Cornwall, there is no comparable provincial presence.

If this government is serious about bringing growth to eastern Ontario, it should do so in a real and effective way.

#### ROBERT FOSTER

**Mr. Kozyra:** It is with great pleasure that I rise to pay tribute today to a new Rhodes scholar from Thunder Bay.

As members may be aware, the prestigious two-year award, now worth approximately \$25,000, was established by the British colonizer Cecil Rhodes to honour scholars for academic, humanitarian and athletic endeavours, as well as strong personal character traits.

Robert Foster, age 23, of Thunder Bay, is an outstanding young man. Presently a fourth-year student at Lakehead University, he will be taking his masters degree in zoology at Oxford, England. No stranger to awards, Robert Foster last year was the first Lakehead University student selected to attend the Annual Conference of World University Services. He also spent six weeks in an intensive program in Mali, northwestern Africa, researching Third World development projects.

I am certain that the members of this assembly will join me in extending congratulations to Robert Foster and his parents, Joan and Brian. Robert Foster's selection as one of only two in Ontario and one of 11 for all of Canada makes all of us justifiably proud.

1340

#### HOSPITAL SERVICES

**Mr. Farnan:** As the Minister of Health (Mrs. Caplan) will be aware, I have called for public hearings into the closure of outpatient laboratory



services in Cambridge. These hearings were to take place next Monday evening.

The closure of the outpatient laboratory services have caused considerable concern to all of the residents of Cambridge, particularly those who make use of this service on a regular basis.

Today I am making a plea to the minister to direct that these services be reinstated in full to the residents of Cambridge, and to make these hearings redundant. It certainly would be a sign to the people of Cambridge that the minister is listening and I would ask that she take appropriate action.

## STATEMENTS BY THE MINISTRY

### TEMAGAMI DISTRICT RESOURCES

**Hon. Mr. Scott:** This morning the Court of Appeal for Ontario considered the government's application for an injunction regarding the blockade of the Red Squirrel Road extension and the threatened blockade of the Goulard Road extension. All parties were represented by counsel and argued their positions.

The Court of Appeal has adjourned the application to be dealt with immediately after the hearing of the appeal of the Teme-Augama Anishnabai from the judgement of the Supreme Court of Ontario dismissing their land claim, which appeal commences January 9, 1989.

The adjournment was granted by the court on the following terms:

1. The court ordered that the defendants be restrained from doing anything to interfere with or impede surveying or other preliminary matters related to the construction of extensions of the Goulard or Red Squirrel roads.

2. The court ordered that the defendants cease blockading the site of the proposed extension of the Red Squirrel Road.

3. The court ordered that no other work be undertaken on the road extensions until the motion is heard, other than the work referred to in paragraph 1, the surveying and other preparatory work.

## HUMAN RIGHTS

**Hon. Mr. Phillips:** Saturday, December 10 of this year marks the 40th anniversary of the adoption of the Universal Declaration of Human Rights. It was on that day that the General Assembly of the United Nations passed a resolution—the Universal Declaration of Human Rights. That declaration has become a strong force for human betterment in the world. It is a goal that is contained in the opening statement of that declaration which says, the “recognition of

the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

On this special anniversary we can and should reflect on the advances that have been made in bringing us closer to true equality everywhere. But there is always more to be done. We cannot close our eyes to the fact that in certain places around this world there continue to be serious human rights abuses.

Canada is a charter member of the United Nations, and four decades ago our country's representative cast our vote in favour of this universal declaration.

Here in Ontario, we can take pride in the fact that our province has played—and continues to play—a significant role in recognizing the importance of human rights. But we can never become complacent. We must all of us ensure that we maintain and enhance our commitment to human rights here in this province.

Human rights protection means much more than just a commitment to an abstract principle. It means individuals—all of us—taking steps to change our attitude and to change our behaviour, and it means that all of us must work together to bring about those changes throughout society.

I am pleased to inform the House that the Premier (Mr. Peterson) has declared December 10, 1988 Human Rights Day and the week of December 10-16 as Human Rights Week throughout Ontario. The observance of this week will encourage each of us to reflect on the fundamental right of all people in this province to be treated with dignity, justice and respect.

As we approach this 40th anniversary of the adoption of the Universal Declaration of Human Rights, I would invite all members of this House to join me to mark the observation of the Universal Declaration of Human Rights. To commemorate this occasion, a plaque bearing the words of the declaration in the two official languages of Canada will be unveiled on Saturday in the foyer of the Macdonald Block. I would invite all members of the House to be present on that occasion.

## COURT SYSTEM

**Hon. Mr. Scott:** There is widespread concern in the justice community and among the public about delays and backlogs in our criminal justice system, particularly for those who are out of detention pending trial. These delays are unacceptable to me, to the bench, to the bar, and, of course, to the public. Today, I am pleased to



announce to the House that we have embarked upon a co-operative plan with the bench and bar to try to reduce these delays.

Members will recall that in his report on our court system, Mr. Justice Zuber recommended co-operative management as a means of dealing with some of the problems he identified. In the six communities in Ontario facing serious out-of-custody delay problems, my ministry, together with Chief Judge Hayes of the provincial court (criminal division), have established local delay reduction committees. These projects are now operating in Ottawa-Carleton, York region, Simcoe, Scarborough, Durham, and Peel.

The committees are composed of the senior criminal division judge, the court administrator and representatives of the crown attorney's office, the defence bar and the Ontario legal aid plan. Together they will work at analysing the unique nature of the problem in their community and establish goals and timetables to reduce their backlog.

We are already, in a very short time, seeing some positive results. The Ottawa-Carleton committee, in less than two months, has taken steps to reduce the backlog in that area by at least two months.

We are also encouraged by the fact that this team approach has had positive results in other jurisdictions. We know from studies and experiments in these jurisdictions, particularly in the United States, that commitment to establishing and following a management plan can lead to results of major significance within a two-year period. We also know that there is clear evidence that court delays are not caused solely by a lack of resources. In fact, some of the evidence shows that adding extra resources without changing the case-flow management process does not cure but exacerbates the problems. The work being done in these six communities will, I expect, provide us with valuable information that can be used in other parts of the province which have backlog problems.

I also believe there will be another benefit. I believe these delay reduction projects, which are bringing together, often for the first time, the key people involved in the administration of justice, will prove the wisdom of Mr. Justice Zuber's recommendation with respect to co-operative management of the system. I am confident that the participation of the committee members will serve to alleviate court backlog and delays.

#### CORONER'S INQUEST

**Hon. Mrs. Smith:** As the members of this House are aware, a number of questions have

been raised concerning the progress of the inquest into the death of Bernard Bastien on August 14 of this year. Members will recall that Mr. Bastien died as a result of a shooting incident involving an Ontario Provincial Police tactics and rescue unit in a case of mistaken identity.

Recently, counsel for the family of Mr. Bastien alleged bias on the part of the presiding coroner, Dr. R. D. MacKinlay, and has instituted proceedings in the Supreme Court of Ontario to prohibit the coroner from carrying on with the inquest and for the purpose of quashing the inquest proceedings to date.

I have recently been advised by the chief coroner of Ontario that Dr. MacKinlay has denied the allegations of bias made against him. Dr. MacKinlay has indicated his distress over the allegations and his concern that the integrity of this inquest and the inquest process generally not be seen to be compromised. Accordingly, Dr. MacKinlay has advised the chief coroner of his intention to relinquish his position as coroner at the Bastien inquest and to discharge the jury.

In light of this, Dr. Ross Bennett has advised me that a new inquest will be convened at an appropriate time.

1350

Members of the House will be aware that the activities of the tactics and rescue unit of the Ontario Provincial Police involved in the death of Mr. Bastien have been subject to close public scrutiny during this inquest. The government is anxious to ensure these matters are examined in substantial depth and on a broader scope.

Therefore, I have asked the chairman of the Ontario Police Commission to conduct a hearing and review into all aspects of special police units such as tactics and rescue teams utilized by police forces in Ontario. The commission will provide as soon as possible a comprehensive report that will include recommendations respecting the need and rationale for and the training, operation and composition of such units or teams.

The Ontario Police Commission is an autonomous, quasi-judicial body enacted by statute. It has recently been reconstituted, and now it is the most appropriate body to conduct this review. I am assured that the process contemplated by the Ontario Police Commission will be an open and independent one, including a forum for public comment on these matters.

The hearing and review to be conducted by the Ontario Police Commission will ensure a thorough airing of the concerns that have been raised over these matters, and the public interest will be well served by this open process.



## RESPONSES

## CORONER'S INQUEST

**Mr. B. Rae:** There is much to comment on, and I would like to take this opportunity to say that we have many questions arising from statements that have been made today.

If I can say so in response to the Solicitor General (Mrs. Smith), just so she will have time to think about some answers, the critical question is: Is this inquiry that she is asking the Ontario Police Commission to begin, or the review she refers to, a public inquiry or is it a particular inquiry established under subsections 58(1), (2), (3), (4) and (5) of the Police Act?

If it is not, it is inadequate, because if she has not given the inquiry the capacity to subpoena witnesses, to cross-examine, to determine what has happened since the tactics and rescue units were established in 1975 and to inquire as well into all the events surrounding this tragic incident recently near Windsor, then she has failed in her responsibilities to get to the bottom of this question.

I did not see in her statement a clear indication as to whether or not this is in fact going to be that kind of inquiry, as my colleague the member for Windsor-Riverside (Mr. D. S. Cooke) and I asked in our letter to her, which is dated August 30 and which I am sure she received soon after we sent it.

We are determined to get to the bottom of this. I can tell the minister that our view is very strongly that it would be much more preferable to have a full public inquiry which would deal both with the particular incident in question and with the broader question of the use of TRUs. It would be easier to proceed by way of public inquiry to do that, and she would not have to have two separate reviews now ongoing at the same time. It strikes me as unduly cumbersome and, frankly, unfair to put the family through two separate kinds of ordeals rather than simply to deal with one inquiry, where an independent person, independent of the police and independent of the government, would have an opportunity to look at all these questions. In our view, that would be far preferable to the route that has been taken.

I will be asking questions, and my colleague the member for Windsor-Riverside will be directing questions to her today to try to clear up exactly what it is she intends to do.

## TEMAGAMI DISTRICT RESOURCES

**Mr. B. Rae:** With respect to the announcement made today by the Attorney General (Mr.

Scott) on the court decision, I do have a couple of words to say, and that is simply this: I think when the full history of the exchanges between the Attorney General and Chief Potts are known and are widely understood, we will see, frankly, how unwilling this government has been to go the extra mile to reach a final conclusion with the band on the question of the land settlement.

The Attorney General has not told the House, but I will tell the House, that in his correspondence with Chief Potts he said that the offer was a 90-day offer. It was an offer that was put on the table and then withdrawn at a date established unilaterally by the government.

**Hon. Mr. Scott:** We are prepared to negotiate today. We will meet today.

**Mr. B. Rae:** I will read the correspondence out, which is more than you have done.

**Hon. Mr. Scott:** I am telling you we will meet today.

**Mr. B. Rae:** I will read it out, which is more than you have done before this House in terms of precisely what your position has been.

I say to the Attorney General that when the day comes that the Attorney General of this province and the government of Ontario seek, in the middle of a very difficult negotiating process, to cut off that timetable and say, "Here's our offer; take it or leave it"; when the Attorney General writes to Chief Potts and says, "We are not prepared to negotiate under any other principles than the ones we have established in our letter to you of September 1986," that, I think, is an action that speaks of a government which is more interested in getting a cheap headline than in solving a problem, a government which is not interested in solving this question, which is not interested in dealing with the question of environmental rights and which has simply come down on the side of the lumber companies, whose interests could far better be served by a government willing to take on other interests in seeing that they get a fair timber allocation.

## CORONER'S INQUEST

**Mr. D. S. Cooke:** I was hoping that the minister's statement today would clear up this matter on the Bernard Bastien tragedy; however, her statement has not answered all the questions.

I am not sure, as my leader has said, whether she has called an inquiry under section 58 of the Police Act. If the minister has not, I would say that the last six weeks have been difficult not only for our community but also for the Bastien family and that I cannot understand why the minister would reappoint another coroner's inquest today



after what has happened in the last several weeks: \$600,000 of taxpayers' money and the anguish that this family has been going through day after day after day.

We deserve better in this community and in this province, and I hope that this inquiry has been under section 58.

#### COURT SYSTEM

**Mr. Sterling:** I would like to respond to the Attorney General's statement with regard to his project to reduce trial delays.

In this province today there are 35,000 cases to be heard with regard to trial for impaired driving charges across this province, and that has resulted from the fact that this ministry, this minister and this government have paid little attention to the administration of justice in our province.

In the area of Ottawa-Carleton, I believe that there are the same number of provincial court judges, criminal division, as there were in 1970 and 1971. The morale of the bench is low, or was low as recently as I talked to them. There are a number of judges who have retired over the past few months, and it seems that there are more and more judges considering retirement because there never seems to be an end to the docket.

I am pleased that the Attorney General is taking some small step with regard to dealing with the situation, but the fact of the matter is that we need more judges and we need more courtrooms in order to deal with the situation, at least in the area that I am familiar with, and that is Ottawa-Carleton.

#### CORONER'S INQUEST

**Mr. Runciman:** In response to the statement of the Solicitor General (Mrs. Smith), we want to indicate quite clearly that we believe the minister has dropped the ball on this matter. She has flubbed it from day one. There have been totally unconscionable delays in having any kind of resolution to this whole question.

Certainly, as the member for Windsor-Riverside (Mr. D. S. Cooke) indicated, it is placing that much more stress on the Bastien family. There are no explanations adequate to describe what this minister has done in respect to her mishandling of this whole matter. In respect to not resolving the concerns of the Bastien family, she has left a cloud hanging over the Ontario Provincial Police tactical force in this province.

Let's see her get her act together and act on this matter as expeditiously as possible.

1400

#### HUMAN RIGHTS

**Mrs. Marland:** As I rise on behalf of our caucus today to share in the announcement of the International Human Rights Day on the part of the minister, we would like to quote the fact that, of course, we were the first province in Canada to establish a Human Rights Code, of which our government at that time was very proud, and we continue to be. Our House leader, the member for Nipissing (Mr. Harris), chaired the legislative committee that brought about the most recent changes to that code in 1981.

I think it is important today, as we reflect on the advances that have been made, as the minister has said, that we also reflect on the supreme sacrifice that has been made in the wars, on the wars that continue in this world and on the fact that we do have the opportunity to live in freedom and to exercise human rights.

I would like to read the Universal Declaration of Human Rights, made in the United Nations general assembly on December 10, 1948:

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

I think it is in that spirit today that we send with President Gorbachev, as he returns to his country this afternoon, our united expression of sympathy of this Legislature for the terrible loss of life that his country experienced in the earthquake of yesterday.

I think we should also, in the spirit of this announcement today, as we recognize human rights, be grateful for the speech of President Gorbachev yesterday in the United Nations general assembly in New York and recognize that finally, perhaps more than at any other time in the history of all the countries in this world, we are closer to world peace and unity, which would be the goal and wish of all of us.

**Mr. Brandt:** I would ask for the unanimous consent of the House to make a brief statement with respect to the Armenian earthquake.

Agreed to.

#### EARTHQUAKE IN ARMENIA

**Mr. Brandt:** Like all members of this House, I was shocked to hear of the devastating earthquake in Armenia. Although details are still sketchy, we understand there may be as many as 80,000 people who have died. I also understand that hundreds of thousands more are either injured or wounded as a result of the earthquake.



It is a tragedy beyond description, beyond belief. Our hearts and thoughts go out to all the people of Armenia and those of Armenian ancestry who live here in Ontario and throughout Canada.

As a government, we must be sure to respond in any appropriate way to assist those in Armenia who have been devastated by the earthquake that took place yesterday. A tragedy of this scope is too large for even one of the largest and most powerful countries to have to endure alone. We must remember that any assistance we may be able to offer goes not to the state but to the people who are affected, those people who literally have lost their homes and so much that is dear to them in such a very short period of time.

**Hon. Mr. Peterson:** I thank my honourable friend for raising this matter in the House.

Just before coming into the House, I heard some of the same figures my honourable friend is quoting. It is absolutely beyond human comprehension: 80,000 people. I recognize that the details are sketchy at this particular moment, but I can tell my honourable friends that I had occasion to meet with leading members of the Armenian community just briefly before I came into the House. They gave me these figures, which I had not heard before that.

I can say that the Minister of Health (Mrs. Caplan) and the Minister of Citizenship (Mr. Phillips) have met with members of the community as well. The Ministry of Intergovernmental Affairs has been swung into action immediately to try to co-ordinate relief efforts, so there is no question that we will be participating as well as we possibly can.

As we know, and I say this on behalf of all members of the House, I think that this Legislature has had a good record of responding to these unforeseen disasters. We have seen a number of them lately, in Nicaragua, Mexico and Jamaica, and I want to compliment my colleagues on the generosity of their response to our fellow human beings around the world who are struck by these natural disasters.

I share the sense of loss and grief. I am almost incredulous at the size of this particular tragedy. So I can assure my honourable friends—and we will be keeping them up to date on the progress as it comes along—that we are there and it has already started. I thank my honourable friend for raising this.

**Mr. B. Rae:** Life is full of ironies, even of tragic proportions. It is particularly tragic, I think, that on the very day that Mr. Gorbachev was making some historic announcements to the United Nations with respect to the future of world

peace and having such an impact on that assembly, we were all reminded of the tremendous power of nature and the extraordinary power that an earthquake can have in destroying communities and, it would appear, thousands of lives.

Our hearts go out to the Armenian community in this province and this country, which is a very large community and which has contributed much to our own national life since Armenians began coming to Canada decades ago. There will be many people living in this country who will have relatives, and they will be trying to find information and trying to find out about their safety and their future.

I hope very much that all parties can be involved, as I know we will all want to be involved in contributing in whatever way we can to the humanitarian work of the government of Ontario and the relief work of the Red Cross and other organizations. Many of us would like to be involved, and I know that opportunity will be made available to us.

Our hearts go out to the Armenian people, to their government and to all of the relatives involved. We hope very much that the news is not quite as bad as it would appear to be today. Certainly anything that we can do to encourage people to give and participate in humanitarian relief, we will be doing.



## ORAL QUESTIONS

### TEMAGAMI DISTRICT RESOURCES

**Mr. B. Rae:** I do have some questions today for the Attorney General relating to the continuing question of the land claim that was the subject of a Court of Appeal consideration this morning with respect to the injunction.

I wonder if the Attorney General can tell us why he did not tell the House, when he was making his announcement with respect to the negotiations between him and Chief Potts, that the offer he made to Chief Potts was a 90-day, take-it-or-leave-it proposition. To justify that question, I simply remind him that on January 21, 1987, he wrote to Chief Potts as follows: "Although the specific provisions of the settlement agreement will, of course, emerge from negotiations, I must advise that Ontario has no interest in pursuing negotiations on the basis of any other principles," in that case referring to the principles that were set out by the minister in his letter to Chief Potts in September 1986.

Why, if he is negotiating in good faith, would he simply put a take-it-or-leave-it proposition on the table?



**Hon. Mr. Scott:** The answer to that is that I did not. As the honourable member will know, that correspondence was made public at the very time the offer was made and was the subject of comment at the time. The honourable member will recall that the offer of settlement was made after the land claim had been dismissed by the court as unwarranted. I decided, as the government did, that an offer none the less should be made, which, as an offer, involved approximately \$30 million, \$15 million of which could be taken in land. We were anxious to proceed with that, but the native people were proceeding with their appeal.

What we said in the offer was, "We know you are preparing for the appeal, but if you will take 90 days to consider the viability of this offer, if you are interested in discussing it we will then discuss whether the appeal should be put to one side during the very lengthy period of time when a large land claim would have to be discussed." The native people said, "No, we would rather concentrate on our appeal and proceed."

I should emphasize that following that, I indicated to the native people that we would discuss a land claim with them on any terms. Indeed, in answer to a question from the honourable member for Algoma (Mr. Wildman) in this House four months ago, I think I made precisely the same point. That was our position then; it is our position now.

1410

**Mr. B. Rae:** With great respect to the Attorney General, he will know perfectly well that in the correspondence to him from Chief Potts, what Chief Potts said to him, in asking for clarification of the government's offer which was made in a letter dated September 30, 1986, quite categorically was: "We obviously want to discuss a land claim. We do not want to give up our appeal because it has taken us this long to get this far. We are not going to give up that appeal."

The Attorney General said, "You have to agree to suspend the appeal and you have to agree to negotiate on our principles." To quote the exact words the Attorney General used in his letter to Chief Potts, "I must advise that Ontario has no interest in pursuing negotiations on the basis of any other principles."

Now, the Attorney General is a very skilled and knowledgeable negotiator. He has had vast experience in this field of negotiating. He knows perfectly well that when he puts down in writing that he is not interested in negotiating on any other principles than the principles he outlined in his original offer of September 30, 1986, that is a

classic take-it-or-leave-it, 90-day proposition. That is what it is.

**Hon. Mr. Scott:** I did not detect a question in that, unless it be to affirm or deny what the Leader of the Opposition says, and I cannot because he is mistaken.

The native people's land claim was dismissed at trial after one of the longest trials in Ontario's history. The native people decided to appeal. If they win their appeal, they will not have to settle or negotiate with any government. They will have a court order about what their entitlement is. I said, "Rather than proceed with the appeal, would you like to negotiate?" They said they would like to negotiate and have their appeal. That is obviously impossible. The purpose of negotiating is to remove the adjudication process.

Since then, I have said to the native people as often as I can that we will sit down with them, as no other government in Ontario history has, at any time and any place to discuss a negotiation of their land claim on any terms that will obviate the necessity of judicial hearings. But obviously, as the honourable member understands, there is no point in negotiating a claim if you are going to go ahead with the litigation.

I understand the chief's position well and I respect it. He understands mine and I believe he respects it. Between us there has never been the slightest doubt about the commitment of this government to meet and negotiate this claim at any time the native people want to do so.

I would just like to add one point, but I will save it on the chance there is a second supplementary.

**Mr. Speaker:** I think there might be a final supplementary.

**Mr. B. Rae:** The Attorney General has offered how he thinks Chief Potts respects his position. I can assure him, having met with Chief Potts yesterday afternoon, that he does not respect his position.

**Hon. Mr. Scott:** I knew Chief Potts before you knew his name.

**Mr. B. Rae:** All right. Now let me—

**Mr. Speaker:** The supplementary?

**Mr. Breaugh:** Unfortunately, he knows you.

**Mr. B. Rae:** Yes, and he has known you for a long time. Hence, that is why he has reached his conclusion.

**Mr. Speaker:** Order. Perhaps we could get to the final supplementary.

**Mr. B. Rae:** I have not heard an answer directly from the Attorney General to what he



said in his letter of January 21, 1987. First of all, it was a retractable offer. It was an offer that was made in September and expired as of February 1, 1987. That was the first position that was put forward by the Attorney General. He knows that is true. The offer expired on that day. It was effectively withdrawn and Chief Potts was told, "If you do not answer by such and such a time, it is not going to happen."

Then he went on to say, January 21, 1987, as these negotiations are not even started, "I must advise that Ontario has no interest in pursuing negotiations on the basis of any other principles." Now he is standing up and saying: "Oh, I am happy to talk about anything. Of course I am happy and the chief has always known that."

I say to the Attorney General—

**Mr. Speaker:** By way of a question?

**Mr. B. Rae:** —the chief and the band have not known that. What they have known is that it is an offer that was withdrawn. They could not proceed with the Court of Appeal and it was an offer that would happen only if the chief agreed to pursue negotiations on the basis of the Attorney General's principles and nobody else's principles.

**Mr. Speaker:** Question?

**Mr. B. Rae:** That is what the Attorney General has said in writing, and I think it speaks far more loudly than anything else he might say.

**Hon. Mr. Scott:** Even if my friend says it at the top of his lungs, he cannot make that point.

The issue was simply this, as the honourable member surely understands having had some experience, though not in this field; the reality is that we said to the chief: "If you would like to negotiate a solution so that the appeal will not be necessary, we are prepared to do so. Would you let us know whether you want to meet to negotiate on the terms we proposed?" He replied and said no, that he would rather proceed with his appeal.

I understand that. That happens all the time in negotiations, but I should emphasize to my honourable friend that I have said repeatedly in this House and to the band that we are prepared to meet at any time to discuss the land claim on those terms or on any terms Chief Potts wants to propose. He has made plain throughout that he will discuss the land claim when the court proceedings are over. I understand that.

One other point should be made. Every land claim that has taken place in this country has been a tripartite negotiation between the native band, the province concerned and the federal govern-

ment. One of the difficulties here is that the federal government has not formally agreed to participate in any negotiations at all. The reason they give is precisely the same reason Chief Potts gives. They do not want to negotiate at a time when the appeal is pending. The federal government goes one step further and says, "Why should we negotiate when the court has said there is no land claim at all?" Ontario has said that notwithstanding that loss, we will negotiate at any time—

**Mr. Speaker:** Thank you; new question.

#### SOCIAL ASSISTANCE

**Mr. B. Rae:** I have a question to the Premier. He will know that there was a meeting outside the Legislature this morning of the March Against Poverty Committee which has been one of the main groups prodding the government over the last year to do something, and it has been prodding them since September to do something about the failure to implement the report of the Social Assistance Review Committee.

The Premier's colleague the Minister of Community and Social Services (Mr. Sweeney) told reporters outside that he would like to have done more, but that there is simply no money to do it, that it is not yet possible for him to do what Judge Thomson has asked him to do and that the money is not available.

Can the Premier tell us if that in fact is the case? Is the minister right when he says there simply is no money available within the government to provide for the very minimum Judge Thomson has deemed is necessary in order to begin to fight the battle against poverty in Ontario?

**Hon. Mr. Peterson:** As my honourable friend is aware, we get a number of reports in to the government. We analyse them and eventually government policy is determined. We have the Thomson report. The matter is under review at the present time. As my honourable friend knows, it is a very expensive report to implement.

The member will stand up in this House every day and say there should be more money for this, more money for housing, more for education and more for health. There is not a day goes by in this House when the members opposite do not stand up and scream for more spending somewhere or other. I am not trying to stand in this House and make the case that it is adequate, but I do stand in the House and say there have been very substantial increases in the Ministry of Commu-



nity and Social Services budget over the last three years.

The Treasurer (Mr. R. F. Nixon) could assist me with these numbers, but it was up something like 13 per cent last year. That is triple the rate of inflation. Members can argue it is not enough, that it should be double that. That is fair enough and the members will argue that in other areas as well.

There was a \$100-million announcement yesterday, which is a very substantial amount of money. The member is the first one to stand up and scream when taxes are raised, as well. He cannot have it all ways. We are trying to do the best we can. The SARC report is under review by the government in all its various aspects, including the funding over a period of time, but I want to say that I think yesterday's announcement was a significant one.

1420

**Mr. B. Rae:** The Premier knew perfectly well when he appointed Judge Thomson to do his work that there was going to be a major overhaul of the social assistance program in this province. This government has known for many months when Judge Thomson was going to be reporting. His government knew perfectly well that it was going to cost money.

When you look at the public accounts and you look at the BILD program, 1985-86, the technology fund, 1986-87, the tech fund, 1987-88 and the tech fund, 1988-89, what is interesting is that there is far more money allocated than spent. In fact, when you look at some aspects of government, they seem to have far more money available than they spend. The Minister of Housing (Ms. Hošek) has had money allocated to her for social housing. She has not been able to spend it. It would cost this government an additional \$50 million to implement the Thomson report to the end of this fiscal year, and then the other money would have to be kicked in for the year after that.

I would like to ask the Premier, what kind of priority does fighting poverty have within his government?

**Hon. Mr. Peterson:** I think my honourable friend is right. It would cost \$50 million for the end of this fiscal year, which is three months. If he multiplies that by four, and I am sure my honourable friend is capable of doing that, it is \$200 million, and it grows incrementally in that particular area.

Again, do not force me to stand and say this is enough or that it is adequate because I know personally of many cases of hardship in this

regard. Whether this approach will solve all those—we asked Mr. Thomson for his advice in this matter, but everything we do has to be costed out and put in context.

I say to my honourable friend, compare Ontario's programs, the increase in budget for the last three years, to any other jurisdiction in this country and he will find that we are leading in almost every single area. We have a great number of social needs we have to meet, be it assistive devices, be it child care, be it a whole bunch of other areas.

He stands up every day and want more money for child care, more for assistive devices and more for everything. In a perfect world, I would like to see that kind of situation, but I say to him that we have a multiplicity of responsibilities. We are trying to review this matter as positively as we possibly can, but that process is not complete.

**Mr. Allen:** The Premier boasts consistently about the great wave of prosperity that is sweeping this province and likes to take some credit for it. He flaunts the technology fund which is going underspent year after year. He is apparently quite happy to make big-sounding investments in the economy in general, but he does not seem to be prepared to make a fundamental investment in the very elementary human needs of a very significant core of people in this province. One in six of these people we are talking about, one in six kids, is poor in Ontario.

On the scale of priorities that the Premier and the Minister of Community and Social Services profess to accept, surely the Premier, as a human being, must recognize the first priority of allocating \$50 million between now and the end of the fiscal year on an element that is so crucial for the wellbeing of our province, both morally and economically.

Why can he not do that when he has that unspent money on his accounts in only two lines in the budget in public accounts?

**Hon. Mr. Peterson:** I respect the honourable member's passionate appeal in this regard. He wants to ask about government priorities. He would want to say which other priorities should be submerged to this one. I say to him, look at the budget. It is up 13.8 per cent last year.

**Mr. Allen:** Look at the budgets of the poor. There are some of them up there in the gallery right now. You're taking from the poor. Why don't we get something from the rich for a change?

**Hon. Mr. Peterson:** I say to the member that budget is up some nine or 10 per cent.



**Mr. Speaker:** Order. Would the member for Hamilton West take his seat?

**Hon. Mr. Peterson:** I too have met with the group assembled in the gallery. I think, by any reasonable standard you want to use that this government has made real progress in these areas.

#### HOME CARE

**Mr. Brandt:** My question is for the Premier as well. It relates to the Red Cross homemaker services. The Premier is probably aware that the Red Cross is presently running a \$1.1 million annual deficit. Their program, as the Premier is no doubt aware, serves about 180,000 Ontario citizens, elderly and handicapped people. If they do not receive the \$1.1 million in funding to cover their deficit, there is a good chance, according to discussions my staff has had with the Red Cross today, that up to 150,000 of the 180,000 who are being served under the homemaker program could well lose their independence.

I ask the Premier if he is prepared, on behalf of the government, to make a commitment to in fact fund this relatively small sum of money, \$1.1 million, which is serving such a large number of Ontario citizens?

**Hon. Mr. Peterson:** I think the honourable minister can assist with this question.

**Mr. Speaker:** The question has been referred to the Minister of Community and Social Services.

**Hon. Mr. Sweeney:** The honourable leader is, I am sure, aware of the fact that the Ministry of Health has about two-thirds of the homemaker service and our ministry has about one-third. He is probably also aware of the fact that in my ministry alone, we have put an additional \$40 million into homemaker services just in the past two years. Again, as I am sure he understands, the difficulty is that the demand for services, particularly for the elderly and the disabled, is so great that as we put more and more money in, there are more and more people who want to use the service.

The difficulty with the case of the Red Cross is that the request it is making to fund its deficit would not provide one extra dollar for the service. It would just allow the agency itself to continue to do what it is doing right now. That is the dilemma we are in. We have, on the one hand, agencies that need money simply to administer the service, and we have the homemakers themselves who need extra money to deliver the service in a very direct way.

I have to tell the honourable member that we are juggling those kinds of budget amounts. That \$1 million is a lot of money and it does not do a thing to add to the service.

**Mr. Brandt:** I point out to the honourable minister that the cost of the Red Cross homemaker service is about \$10 a day, which runs to about 10 per cent to 14 per cent, on average, of what the cost would be for institutional care for these same people.

The Red Cross does not initiate or begin the pressure for increased services in many, many instances. Those pressures for increased services are brought about by governments themselves. As a direct result of that, the Red Cross now finds itself, after some 65 years of providing this service in Ontario, in a position where it is going to have great difficulty in continuing to operate unless it gets \$1.1 million.

The question very simply is, are we going to continue to have this service in Ontario and is the minister prepared to commit this additional money out of his budget?

**Hon. Mr. Sweeney:** I have no doubt that we will continue to have homemaker services in Ontario. What I cannot commit myself to is who is going to deliver those services. I certainly would not in any way fault the Red Cross for the quality of the service it is delivering. The difficulty is that I have some reluctance to put money into the administrative end of it when the need is so much for the direct service end of it.

**Mr. Brandt:** I am having difficulty with this one. For 65 years, this organization has not been at the steps of the Legislative Assembly begging for money. It has administered its programs very effectively. It has administered its programs in a most economical fashion. Now, it finds itself in a dilemma where it is providing a service to 180,000 Ontario residents. Up to 150,000 of those, it has itself determined according to its staff reports, could well be forced into some form of institutionalization if it is not provided with the money to continue the program.

I ask the minister again, looking at the track record of one of the most outstanding organizations in our society today, namely, the Red Cross, why is it that after 65 years, it now has this problem where \$1.1 million, a very small fraction of the minister's budget, cannot be directed towards removing the present burden of the administrative deficit from the Red Cross administration?

**Hon. Mr. Sweeney:** There is and has been an ongoing analysis of this request by the Ministry of the Treasury, the Ministry of Health and my



ministry. We met with the Red Cross and some of the other service-delivering agencies several months ago. This is not something that has just started for the first time. We are continuing to analyse and review where we are able to put the very scarce dollars that are available. We have not yet confirmed how we are going to respond to that.

I can only say to the honourable member that the service delivery will continue. We will have to determine who can most effectively continue to deliver it. I point out to him that the first criterion we have in all of our municipalities, whether it is through the Ministry of Health or through my ministry, is that any person who is in imminent danger of going into an institution or going back into an institution gets the very first service. That will continue.

1430

**Mr. Brandt:** I want to go back to the Premier and I want to put it in the context of the response I just received from the minister.

In reviewing the Premier's estimates, which are coming up later this afternoon in the assembly, I would like to point out to the Premier that at the moment, according to the latest figures I have received, there are six executive assistants in his office staff at an average of about \$60,000 per year; there are 12 special assistants at about \$40,000 on average per year; there are 14 general assistants at about \$25,000 on average per year, and an executive director and a principal secretary, in excess of \$100,000. There is a very considerable amount of money in his office alone related to the function of his administrative operations.

I raised the question with the minister about how we can come up with \$1.1 million to serve the administrative needs and to continue the programming of the Red Cross. Does it seem fair to the Premier that his staff is this large and this expensive when we cannot make enough money available to serve the needs of the Red Cross?

**Hon. Mr. Peterson:** I certainly understand the point he makes. I do not want to be provocative here, but I think there is enough money in the budget they organized for themselves just before they were thrown out of office to pay for all of that. Why would they have taken the opportunity when they were leaving office three years ago to substantially increase the enrichments for members of the Legislature, knowing as they did that they were going into opposition?

**Mr. Brandt:** Let me just say to the Premier that if he wants to talk about increased costs and

looking after oneself, when one combines the cost of his operations in the Premier's office with that of the cabinet, which we were told in opposition was going to result in an overall saving, it is interesting to note that in the four years they have been over there, the costs have gone up something like 73 per cent; triple the rate of inflation.

How can he stand there and deny the Red Cross, among other organizations and among other needy individuals in this province, the kind of assistance it needs when his own costs have gone up three times the rate of inflation?

**Hon. Mr. Peterson:** Let me tell my honourable friend that his figures are quite wrong in this particular matter. As a matter of fact, when one looks at the collapsed policy secretariats they had and the extra cabinet ministers, one will find it is less. My honourable friend might want to check his facts.

**Mr. Brandt:** We are going to have an opportunity to get into this in more detail later on this afternoon.

I have, in fact, checked my facts. I am looking at the total cost of the Premier's office and cabinet as it was when the Liberals took over office and the total cost of the Premier's office and cabinet as it is today. It is up 73 per cent. It is up some \$3 million. It is up more than three times the amount of money needed to cover the deficit of the Red Cross that he cannot come up with enough money to fund.

I think it is an insult to stand before the people of Ontario and in the last four years spend more than \$3 million on his own bureaucrats, his own office staff, his own cabinet and not be able to fund the Red Cross. It just is unheard of.

**Hon. Mr. Peterson:** I look forward this afternoon to discussing the estimates of my office with my honourable friend. I understand his point of view. I will be here, and then we may want to compare this to his office budget and to his particular action in that regard and his drive through the Board of Internal Economy to increase expenses. We will do this and I look forward to that discussion.

WILLIAM MILNE AND SONS LTD.

**Mr. B. Rae:** I have a question for the Minister of Labour. I understand that the workers at William Milne and Sons Ltd. in Temagami have been asked by the receiver to sign a waiver. The waiver says they will not go after the bank or the receiver for severance pay or lost wages. If they sign that waiver, the workers have been told they will get another eight weeks' work. If they do not



sign the waiver, they have been told they are out of luck.

Does the Minister of Labour think that such a waiver is in fact lawful or right and what does he intend to do about it?

**Hon. Mr. Sorbara:** I can tell the Leader of the Opposition that under the Employment Standards Act, a waiver of that sort would have no force or effect in law.

**Mr. B. Rae:** I wonder if the Minister of Labour can tell us what he is going to tell the workers, who have been basically blackmailed by the receiver in this regard—and there is no other nice way to describe what kind of force and effect this kind of statement has on workers—being told they either sign this thing and sign away their legal rights or they will not get another day's pay at all. I wonder if the minister can tell us just exactly what he is going to tell the workers and what he is going to do to enforce the law so that they are not placed in this position.

**Hon. Mr. Sorbara:** Perhaps I could send the message once again through the Leader of the Opposition that a waiver of that sort has no force or effect under the Employment Standards Act. Workers are not capable of waiving the rights that they have to notice and severance pay under the Employment Standards Act, and if a waiver is signed, it is of no force or effect.

The Leader of the Opposition asks me what recommendations I would have for the Milne workers. I want to tell him that we have employment standards officers there to explain clearly to the workers what their rights are. I want to tell him as well that we have members of the Ministry of Labour there in a counselling capacity and they are working with the receiver and representatives of the federal government to provide adjustment assistance and any other assistance that is appropriate under the circumstances.

#### AUTOMOBILE INSURANCE

**Mr. Runciman:** My question is to the Minister of Financial Institutions. In the wake of the Mercer report and the concerns it generated among the public, the minister has been talking a great deal about the public hearings process of the Ontario Automobile Insurance Board.

I am wondering if the minister is aware that there are only two three-hour sessions dedicated to public hearings, that written submissions have to be in by next Monday, that there are only two phone lines open for all of Ontario and that just one person, the board's secretary, is available—or

is not available—to deal with requests to appear at the hearings.

It is quite obvious, at this stage anyway, that in terms of public input, these hearings are a sham. I wonder if the minister is prepared to do anything about it.

**Hon. Mr. Elston:** I disagree with the honourable gentleman in terms of his charge that this is a sham. This set of hearings in fact has been very thorough, very public, and has provided results that bespeak a very thorough analysis of material brought before the board and has indicated through the decisions that have been rendered a very thorough analysis of what has gone there.

I will check into the other questions the member has raised with me with respect to the number of telephone lines and otherwise, and I will get back to him.

**Mr. Runciman:** The board has scheduled 10 days right in the holiday season. It is virtually impossible to have meaningful public input into this the way the board has established it. The board is even stipulating the kinds of issues that witnesses should address; for example, "How should the generalized uniform rate-making algorithm be parameterized?" or something like that. That is the sort of thing they are trying to require the public to have input on, if you can believe it, Mr. Speaker.

Interjections.

**Mr. Runciman:** That is right. How does the minister expect the public to have meaningful input? I am wondering if the minister is prepared to ensure that the severe restrictions on testimony are eased and that the hearings are extended to provide adequate opportunity for public input.

**Hon. Mr. Elston:** I know there are a number of other issues about which the honourable gentleman could have provided perhaps a more correct reading of the wording. I know there is a series of pages in that document, I am sure, although I did not see it firsthand, entitled "Preliminary Issues," and there are a number of questions which are raised merely to bring to the surface, on an initial runthrough, some of the issues which I think the board will be very interested in getting into. That does not mean that it is in fact just an exclusive series of questions.

I can tell the honourable gentleman as well that there are various ways in which the public will be represented at these hearings, in addition to the fact that the board itself is charged with the mandate of looking after the public interest, to have fair and reasonable rates. I can also tell the honourable gentleman that the Consumers' As-



sociation of Canada will be there in a professional capacity, with professional assistance, to provide input on the basis of its analysis, and in fact, I am sure others will want to appear.

The fact that the member for Leeds-Grenville is unable to read all of the issues as they are set out in the preliminary paper does not exclude, however, the fact that there will be a number of interested public people who will be able to understand and put representations in front of the board in a real and meaningful way. In fact, the process has indicated in the past that when recommendations were examined, changes were made on the basis of input. I suspect this will be another case of that sort of thorough analysis of recommendations.

**1440**

### VISITORS

**Mr. Speaker:** I hope members will allow me to interrupt just for a moment, because we have five members-elect from the federal Parliament in the lower east gallery. They are Maurice Foster, Len Hopkins, Joe Comuzzi, Bob Nault and Reg Belair. Please welcome them.

### DENTAL CARE

**Mr. Owen:** I have a question for the Minister of Health. A number of parents have approached me who could be described as being in the low- to middle-income bracket, and they are concerned about their inability to come up with the money for dental care for their children. They have pointed out to me that the children who are in families on welfare are looked after, they tell me the children whose parents are fairly well-to-do have no problems, but they do and they have asked if there is any possibility that the schools could be assisted by the Ministry of Health to provide this type of service.

I am wondering if the minister could share with us whether any program is being considered to try to meet these particular problems and needs.

**Hon. Mrs. Caplan:** I want to thank the member for his question, because it does give me an opportunity to inform him and his constituents that in fact in September 1987, the ministry initiated and instituted a dental treatment program for children in need of immediate care.

The objective of the program is to provide required dental care to children attending elementary schools in Ontario whose families, as some of the member's constituents have noted to him, have no insurance and for whom other forms of coverage of necessary dental care would

create a hardship. They have the opportunity to declare that and necessary dental care and assistance is provided to them.

**Mr. Owen:** I wonder if the minister could give us some guidance or assistance as to whether the program which has been initiated can be made available to these particular people with or without the means test and whether it is available to them for any dentist of their choosing.

**Hon. Mrs. Caplan:** The program is administered by local boards of health. The ministry provides 100 per cent for the cost of treatment. The program was developed by an advisory committee formed by the former minister in 1986. If anyone is interested in the specific details of how the program works in his area, I would advise him to contact his local board of health.

I believe that the program has been very successful. We received advice from experts, from dentists, on how the program should be developed, and I am pleased that the member has given me an opportunity today to inform the members of this House that the local boards of health will be pleased to give them any additional details on how it functions in their communities.

### CORONER'S INQUEST

**Mr. D. S. Cooke:** I have a question to the Solicitor General. I would simply like to ask the minister why on earth it is now necessary to have—we have had the coroner's inquest, with incredible legal costs to the family. Now the minister is going to reappoint another coroner's inquest as well as a public inquiry under some section of the Police Act. Why would the minister not just simply have rolled it all together and called a public inquiry into the Bastien shooting?

**Hon. Mrs. Smith:** I think it is very important for both the public and the people involved very closely, such as the family, that we make a clear distinction between two issues here, which are both of concern to the public. One is an inquiry into the actual incident in which Mr. Bastien died, what went wrong there and what can be avoided in the future in such incidents. There is a very real reason that this incident should be examined closely, at as little emotional cost as possible to the family: so that others can be spared any mistakes that were made there. That is the long-term purpose of inquests, which have proved very successful at this. It is our intention to follow this particular route through to its final conclusion.



On the other hand, we have been looking for some time at the need to structure the Ontario Police Commission in such a way that it can deal with issues of public concern around policing in Ontario. Regardless of this particular incident but brought on by this incident, there is a great deal of concern present in the public. It is quite justified that they should ask, "What is the purpose and appropriate use of such teams in Ontario?"

It is to this purpose that the OPC, which has been newly structured to be an arm's-length, quasi-judicial, uninfluenced group, will examine the use of these particular forces in Ontario with the help of the public. They will report to this House.

**Mr. D. S. Cooke:** I must say the explanation of the minister has confirmed some of my worst fears. Under section 58 of the Police Act the minister could have called this inquiry which would have had the responsibility not only of dealing with the broad public policy questions but also of dealing with the duties and responsibilities in the Bastien case.

She will know that under the Coroners Act, as well as under section 59 of the Police Act, which she has called this inquiry under, neither will be able to deal with individual responsibility for the Bastien incident. She knows that is the case under the coroner's inquest and it is certainly the case under section 59 of the Police Act.

How are we eventually going to find out exact responsibility and individual responsibility in this case if it cannot be done under either section 59 of the Police Act or the coroner's inquest?

**Hon. Mrs. Smith:** The member should be careful to remember that we are not a court of law in that sense. The decision was made, and I believe even concurred with and not objected to—the recommendation was made by the Windsor Police Force, which investigated this incident—that criminal charges not be laid. It was not the intention of the inquest to act as a jury in a case of criminal charges being laid. It would be a great misuse of that system to treat it as such.

As I understand it, the difference between the section 58 that the member uses and the section 59 that I would be using is that this is under order in council of the Lieutenant Governor. This is the section that would give the broad definition to the inquiry of the OPC.

I want to be very clear with the member and with everybody in the Legislature that it is our intention to make this as useful and as broad and as public as possible. We are not trying to be very legalistic or formalistic. We want to leave it as

open as possible. It is constituted in a sense under that particular section of the Police Act.

If the OPC has reason to feel that it wants to request any further input, it will be free to do so through cabinet. I would add very quickly that it will have—

**Mr. Speaker:** Thank you. That seemed like a fairly reasonable answer.

#### HEART AND CIRCULATORY DISEASES

**Mrs. Marland:** My question is to the Minister of Health. On June 9, the minister announced an \$18-million effort aimed at preventing and treating heart and circulatory diseases across the province, in particular a major expansion of facilities for heart surgery.

I want to tell the minister about a gentleman by the name of Charles Allan Coleman. The gentleman is 63 years of age. He had a heart attack on January 2 this year. He had been scheduled to go into hospital for a triple bypass on no fewer than six different occasions. Finally, on November 11 he was admitted to St. Michael's Hospital where he remained until November 23, which is 12 days. At that time he was scheduled and prepared three times for his surgery.

**1450**

**Mr. Speaker:** The question?

**Mrs. Marland:** That patient was finally dismissed and sent home on November 23 without the procedure, having had all the added stress of the waiting, the preparation and the cancellations, of course.

**Mr. Speaker:** The question?

**Mrs. Marland:** My question is, if the minister is sincere in her \$18-million effort to remedy this problem with this particular procedure, what is her answer to—

**Mr. Speaker:** Order. Minister.

**Hon. Mrs. Caplan:** I must say to the member opposite and to members of this House that prior to the announcement in June of over \$18 million to expand cardiac services in the province, I met with some of the leadership—cardiologists, hospital administrators and researchers—to discuss this in my office.

One of the questions I asked them was whether or not they would be able to increase the capacity in Metropolitan Toronto in the downtown tertiary care centres, given some of the stresses and difficulties, particularly in attracting critical care nurses in the downtown core. I was assured by them that they would be able to respond



appropriately, and I can tell the member that that was the basis upon which the decision was taken.

As she knows, we expanded capacity not only in Toronto but also in Hamilton, Ottawa and London as well as in Sudbury. I know that the increased capacity should be in place by the end of this year or early next year. There have been some difficulties experienced.

I am always concerned when I hear stories of this kind of delay, and I know how stressful that can be for families. She should know, as I have mentioned a number of times in this House, that without any increase in the incidence of the disease, we know that the number of people being recommended for this surgery has dramatically increased.

**Mrs. Marland:** I guess there is not an answer to Mr. Coleman. It is probably the same as the minister's answers about the ambulance strike in Halton-Mississauga. I think the minister should be interested in knowing that an ambulance that was promised this morning in Halton-Mississauga did not show. That patient whom I spoke to earlier this week was transferred in another vehicle with great liability.

I am concerned that the minister does not have an answer for Mr. Coleman. I think that for her to say she hopes the problem will be resolved by the end of the year is not good enough. She talks all the time about our world-class health care system, which I for one stand in this Legislature and agree with; but the feeling is that that world-class health care system is being very quickly eroded for this man. What chance does Mr. Coleman have, in spite of her \$18-million announcement, to have his life-saving surgery? What does she think will happen to him by the end of this year?

**Mr. Speaker:** Order. Minister.

**Hon. Mrs. Caplan:** In fact, the member opposite has stated quite correctly that the government has made a significant commitment of dollars to expand the cardiovascular system and cardiovascular care in this province. She also knows full well, and appropriately so, that we rely on physicians to make sure that those people in need of urgent care receive that care first.

I have had assurances that the new cardiac and critical care registry that we are in fact working on will improve matters. The commitment that we have made has been significant, and I am hopeful that we will be able to respond appropriately. The resources have been made available.

#### AIR TRANSPORTATION

**Mr. Offer:** I have a question of the Minister of Transportation. As the minister is aware, Pear-

son International Airport is located within my riding, but of course it is on federal lands and within federal jurisdiction. There are growing concerns around its operation.

I note that there is an article in the media today about an eight-point plan to ease some of the problems at Pearson airport. My question to the minister is, apart from this eight-point plan which has been proposed by him, is there anything else which he is doing and his ministry is doing in order to alleviate this problem?

**Hon. Mr. Fulton:** I am tempted to say all of the above.

I welcome the member's question, and I can certainly understand his ongoing concern and that of his colleagues and others around Metro and users of the airport with respect to what is taking place and what is not taking place at Pearson airport. We did indeed forward a letter to the Minister of State (Transport), Mrs. Martin, and judging from the Prime Minister's reaction in today's paper, the federal government may indeed implement some of the points that we have suggested.

We are also awaiting results of a meeting that I understand may be taking place later today or tomorrow morning with the Prime Minister and some of the Department of Transport officials. For our part, we have been in communication with most of the regional chairmen and the various mayors and others who have an interest with respect to, if needed, having to go by train to Ottawa and make our points well in the interests of the travelling public.

**Mr. Offer:** One area of special concern surrounding the airport, and certainly one that I hear about in my constituency office, is the issue of ground transportation. What efforts are the minister and the ministry making in order to ease the problem of ground transportation around Pearson International Airport?

**Hon. Mr. Fulton:** In our announcement last May, we indicated, among other things, in our Transportation Directions for the Greater Toronto Area report that we have three gateways located in close proximity to the airport which could facilitate additional public transit. Certainly we are moving ahead with roads and other on-site projects.

We understand that the federal government may be interested in an on-site people mover, which we would be only too happy to build for them in Kingston or Thunder Bay. But on any of those initiatives we are prepared and have been prepared for some time to co-operate with the



federal government and other municipalities as required.

I would like to point out that we brought this matter to the attention of the then federal Minister of Transport, Mr. Crosbie, 21 months ago. The government's action today is long overdue.

#### PROPOSED TRANSMISSION LINE

**Mr. Charlton:** I have a question for the Minister of Energy. I think the minister has fairly quickly become reasonably familiar with the situation confronting a number of residents in the Glen Shields community in Vaughan township over the course of the last few weeks. In a sincere effort, the minister agreed to discuss with Ontario Hydro the matter of the proposed power line across the backyards of those residents to see if there was not some way of finding an alternative to putting those hydro lines right across the back fence line of those yards.

Unfortunately, on December 5, 1988, the minister sent a letter to the Glen Shields Community Association with his response in terms of those discussions, setting out that there was no alternative solution available, and he attached to his letter a copy of a letter from Robert Franklin, the president of Ontario Hydro. That letter contains a number of serious inconsistencies in terms of what has happened over the last six months and a couple of absolutely incorrect statements.

As the regulator of Ontario Hydro, why has the minister not taken the initiative to have an independent look at this matter rather than just accept the comments of Ontario Hydro as absolute gospel?

**Hon. Mr. Wong:** Approximately three weeks ago, I met with the representatives from the Glen Shields association. I have had correspondence with them. Even yesterday I was speaking with one of the representatives on the phone. When we discussed the matter three weeks ago, I told the representatives that it boiled down to two essential points.

First, I would more than willingly re-examine the potential health hazards issue—after all, things move ahead in medical science; a few months have passed since I examined this matter last—just to find out if there were any new facts or findings that would cause us to change the decision.

The other key point that I wanted to address was to be empathetic to their concerns, to find out if there were a technically responsible way and a cost-effective way whereby the line could be moved or changed or adjusted in some manner

while at the same time meeting my responsibility as Minister of Energy to make sure that the other residents in Ontario who would be served by this new 230-kilovolt line would have their needs met and would not face power outages in early 1989.

#### 1500

**Mr. Charlton:** The minister has not directly answered my question in terms of why he has accepted Hydro's comments as absolute fact. The minister should understand that, first of all, when this issue was first raised with Hydro, they suggested that the only solution, which was crossing to the north side of the right of way, would cause an 18-month delay. Four months later, it was a seven-month delay. Now Hydro is saying a four-month delay. Hydro's facts are no more absolute than anybody else's.

The facts that are set out in this letter are extremely questionable. For example, the cross-over proposal was a proposal that was initially made by Ontario Hydro, not by the residents. Second, they are suggesting in this letter that Vaughan Hydro has said absolutely that they cannot withstand any delays. That is not correct. Vaughan Hydro is prepared to negotiate a short delay.

I would suggest to the minister that it is time, as the regulator of Ontario Hydro, that he do what he suggested to the press of this province and become the minister who is going to take Hydro under control. When is the minister going to stop accepting their facts and start making some judgements of his own?

**Hon. Mr. Wong:** We accept the facts. The honourable member refers to a letter of November 5. I would like to clear the record and make it clear that I said to the residents of Glen Shields that I am not completely satisfied with some of the answers I have been getting; I want further clarification. I also sent to the honourable member a copy of the correspondence that I sent to Glen Shields. I notice the date is November 29.

The point I wish to make is that yesterday on the telephone, when I spoke with that representative, I said: "You have the latest facts. You have the latest response. If there is anything further, if there is anything that has been overlooked, by all means please bring it to my attention so that we can look at it in a factual and reasonable way." That is the case.

#### SOCIAL ASSISTANCE REVIEW BOARD

**Mrs. Cunningham:** My question is to the Minister of Community and Social Services. There are now 20 members on the Social



Assistance Review Board to hear approximately 80 cases per week and close to 40 permanent and temporary staff to type and send out each decision.

Can the minister explain why in the past year and a half, despite a huge increase in the board's budget and human resources, these backlogs have in fact increased, so that the delay in delivering decisions is now greater than really at any time in the history of the board?

**Hon. Mr. Sweeney:** The honourable member may be aware of the fact that the last six permanent members of the board came on only in the last two or three months; that, in fact, the first dozen were there for the year, but the last six or seven were in the last two or three months.

The member will also recall that the study that was done recommended a number of things, but there were two key ones: first, that we move from part-time members to full-time members, and second, that the full-time members be much better trained in their duties and have the necessary legal backup in order to make their decisions themselves, instead of staff making the decisions. Those things have all been done.

The last time I spoke to the chairman, Mrs. Campbell, she indicated to me that, by the end of this month or early next month, they expect to have the bulk of the backup caught up and they will be at the 40-day or 42-day time limit which is required under the legislation. I think we are almost there.

**Mrs. Cunningham:** We are encouraged to see that the minister is very much aware of the problem. Probably what we should be working towards, though, is decreasing the case load of this board. I am sure he would agree with me.

The Premier (Mr. Peterson) talked today about this report being very expensive. Well, we have the answer for the minister. Recommendations 148, 149, 150 and 151 do not cost a cent. My question is, why will the minister not implement these recommendations immediately for two reasons: to improve the procedural fairness and to reduce the number of appeals to the board?

**Hon. Mr. Sweeney:** We are taking some actions. First of all, the report reviewing the Social Assistance Review Board clearly stated that there were too many cases going through the ministry's offices.

We have had almost a year of review and retraining of our own staff to reduce—I know what the honourable member is referring to—the number of cases, quite frankly, that have to go to the board at all. We have cut that back. As the member would know, we also have cut back

considerably those cases that used to come through what was known as spouse-in-the-house. That has gone down dramatically. There are relatively few of those.

The third point the member would be aware of is that there is a far, far higher incidence now of clients being supported by the board, compared to previous boards. All of those come together to reduce the impact. Obviously, the Social Assistance Review Committee recommendations would reduce the total number of people who are on assistance at all, and that would solve the problem.

Finally, the member would be aware of the fact that our—

**Mr. Speaker:** Thank you. That seems like a fairly lengthy response. New question, the member for Ottawa South.

#### SALE OF DRUG-RELATED EQUIPMENT

**Mr. McGuinty:** My question is for the Attorney General. In fact, this is the first anniversary of my first question to him. He will recall that the question had to do with the sale of drug paraphernalia. That is a federal matter, and subsequently I followed it up with the Toronto police, the Ottawa police, the Royal Canadian Mounted Police, Metro police and the Minister of Justice, and the sale of that material was subsequently discontinued.

Since then, I have continued with an inquiry into the drug problem and I have spoken with policemen in various parts of the province—in particular, Arthur Rice, the chief of the Ottawa police force—who are very much concerned about what they consider to be undue leniency in the courts regarding drug traffickers and offenders. They refer to the revolving-door syndrome and they maintain that the courts are not adequately co-operating with them.

Could the Attorney General give Chief Rice and other enforcement officers in the province some assurance that this matter will be looked into?

**Hon. Mr. Scott:** I want to thank the honourable member for his question. This is the first anniversary of my first answer given to the honourable member in this House, and I hope the exchange we now initiate will be as productive in terms of results as the first one we initiated a year ago. But as the honourable member knows, these are matters that are prosecuted by the federal government, and of course the submissions as to sentence that are made in the court are made by federal prosecutors, over whom I have no control.

The determinations made by judges are matters that can be appealed, and as the honourable member knows, we try to review these decisions carefully to determine when we should recommend to our federal counterparts that an appeal should be undertaken. I am not at liberty, under our Constitution, to give direction to the judges apart from that, however.

**Mr. Speaker:** That completes oral questions and responses. Point of order, the Leader of the Opposition (Mr. B. Rae).

#### DOCTORS' FEES

**Mr. B. Rae:** On a point of order, Mr. Speaker: Some five minutes before the end of question period, I received a copy of a letter addressed to Dr. Michael Wyman, who is the chairman of the Ontario Medical Association negotiating committee, signed by John R. Sloan. The paper is on the Management Board of Cabinet letterhead.

In this letter, Mr. Sloan tells the OMA that the negotiations are at an impasse.

**Hon. Mr. Elston:** What's the point of order?

**Mr. B. Rae:** My friend is going to get the point of order. To sit on his fanny for an hour in this House and not make a statement to this House about what he is doing is a disgrace. To not tell the Legislature—

1510

**Mr. Speaker:** Order.

Interjections.

**Mr. Speaker:** Would the member take his seat? Order.

Interjections.

**Mr. Speaker:** Once again: Will the member take his seat? Would the member show some respect for the Speaker?

Interjections.

**Mr. Speaker:** Order. If the members wish—

Interjections.

**Mr. Speaker:** Order. Thank you.

**Mr. Pouliot:** There was a point of order, Mr. Speaker.

**Mr. Speaker:** I did not hear a point of order because I could not hear a thing.

Interjections.

**Mr. Speaker:** Order. Well, if you wish to waste the time, go ahead.

Interjections.

**Mr. Speaker:** Order. Petitions.

## PETITION

### SPECIAL EDUCATION

**Mr. R. F. Johnston:** I have a petition signed by 4,600 people from around Ontario, from northwestern Ontario through Ottawa, southwestern Ontario, Toronto, Hamilton, members of the Integration Action Group or their friends, family, students, professionals and the teaching community, teachers, teachers' aides, all concerned about the lack of action and revision of Bill 82 in the Legislature of Ontario.

It reads as follows:

"We, the undersigned, beg leave to petition the Lieutenant Governor and the Legislative Assembly of the province of Ontario that no student with exceptionalities be placed in a segregated classroom without the consent of both parents. By 'segregated classroom' we mean a classroom that serves only children with special needs. If a parent wants his/her child at the local neighbourhood school in the regular class placement for children of his/her age, the child should be so placed. Teachers in these classrooms should receive the supports necessary to realize that placement without any fee being levied on the child's parents."

As I say, there are 4,600 signatures and I have affixed my own and hope that this government will fulfil its promise and bring us that legislation before the week is out.

## REPORT BY COMMITTEE

### STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr. Elliot from the standing committee on general government reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Tourism and Recreation be granted to Her Majesty for the fiscal year ending March 31, 1989:

Ministry administration program, \$27,456,900; tourism development program, \$38,169,300; parks and attractions program, \$29,198,300; recreation, sports and fitness program, \$25,108,200; tourism and recreation operations program, \$71,546,000.

## INTRODUCTION OF BILL

### PSYCHOLOGISTS REGISTRATION AMENDMENT ACT

Hon. Mrs. Caplan moved first reading of Bill 196, An Act to amend the Psychologists Registration Act.



Motion agreed to.

**Hon. Mrs. Caplan:** I am introducing today the Psychologists Registration Amendment Act, a bill to amend the composition of the Ontario Board of Examiners in Psychology, which is the regulatory body for psychologists in this province.

Current legislation provides for five board members, all professional psychologists. As a matter of principle and in order to ensure due process, complaint and disciplinary hearings in professional regulating bodies, they should not be composed of the same members. Because of the current size of the board of examiners in psychology, however, the board finds itself unable to proceed with some important disciplinary hearings because three board members have previous knowledge.

Under the provisions of these amendments, membership on the board of examiners in psychology will therefore be increased from five to 10, and for the first time, three members of the public are to be appointed. Board meetings will require a quorum of three, with one public member present. Remuneration of the public members will be determined by the Lieutenant Governor in Council.

By adding more members and stipulating the quorum requirements, complaint panels can be established. This will make both the business of the board and the complaint process more effective. Adding public members will bring the board of examiners in psychology closer to the model established in the Health Disciplines Act. Equally important, it will enable the board to more effectively preserve and protect the public interest by providing direct public involvement in the regulation of the psychology profession.

I urge the co-operation of all members of this House in giving speedy passage to these legislative amendments.

### ORDERS OF THE DAY

House in committee of supply.

#### ESTIMATES, OFFICE OF THE LIEUTENANT GOVERNOR

**Hon. Mr. Peterson:** It is my pleasant duty to defend the estimates of the Lieutenant Governor here in this House. This is an honourable tradition of this House and I am very happy to do that. I might just add that there is a tradition that all members have an opportunity to speak on the qualities of the Lieutenant Governor.

I will take this moment to be a little bit personal and say that I believe he represents the

people of this province, as Her Majesty's presence here, with a great distinction. I am privileged on many occasions to spend time with the Lieutenant Governor and I have never seen him discharge his official duties but with grace and charm and genuine warmth. I must say that it always warms my heart the way the people respond to the Lieutenant Governor and to his, shall we say, unique and friendly style.

I suspect there is not a member of this House who would not be very comfortable in his or her unanimous support of the Lieutenant Governor as Her Majesty's representative, as well as his estimates, which are modest, I think, by any standard for a vice-regal presence here. It is important in the discharge of his duties that he can do so in a way that befits this great province as well as his office. I am most comfortable in putting those before you, Mr. Chairman, and I ask for the support of the other members of the House.

1520

**Mr. Breagh:** It is my pleasure to participate for a brief while in these estimates.

Many of us who have been members here for a while have had the opportunity to serve with many people now who have been holders of the office of Lieutenant Governor. It is a strange position in some senses. A great deal of ceremony is involved in it, but in an unusual way it also becomes an important one. Each one I have seen takes on somewhat the characteristics of the individual who holds that office.

The current Lieutenant Governor, Lincoln Alexander, is a man each one of us perhaps can relate to because he was for a time a distinguished member of our federal Parliament. He understands the daily workings of members of the assembly, what they go through and what is important to the people we serve.

I am reminded, as I move around Ontario, that the office of the Lieutenant Governor, though it is sometimes seen to be strictly ceremonial, is not. There are many people in Ontario who are very pleased that the Lieutenant Governor occasionally visits their part of the province and has some understanding of their particular needs.

I was particularly struck on a couple of occasions when I was in northern Ontario, I guess because people in the northern part of our province very often get a feeling of alienation from the southern part of Ontario. They feel that the people in the south do not understand their problems and their needs. I was struck by how pleased they were that the Lieutenant Governor had taken the time and the opportunity to tour the



north, to see for himself where people live, how they live and what their needs are; that he would bring back to what they saw as the centre of political power here at Queen's Park a working knowledge of their daily lives, their particular needs, and that they had a chance to see him.

In a strange way, in Canada we have this great respect for the monarchy, which is sometimes difficult for others to understand. Many democracies around the world retain the monarch or a symbol of the monarch, and the Lieutenant Governor does that for us. He does that with a great deal of style and grace.

The current Lieutenant Governor has a great common touch to him. He can talk to any of the members of the assembly freely and comfortably. He drops in on the caucuses around Christmastime. He will say hello to you as he comes in to his office here in the morning, or occasionally, when we give royal assent to a bill, we get a chance to go down and chat with him in his chambers.

Let me depart just a touch from what is normally said during the course of these estimates. I want to make a proposal that has been discussed around here for some time, and I personally think it is time it was taken the next step.

For some time, many of us have felt that the Lieutenant Governor, of all the people who are part of the government of Ontario, should have an official residence. We have discussed at some length precisely how this could be done. Many of us are aware of homes that may have a historic nature to them and of the difficulty private and public boards have in restoring and maintaining those homes. There are a number of them in and around Metropolitan Toronto that would surely be an appropriate official residence for the Lieutenant Governor.

It is rather unusual to see an opposition member looking at a set of estimates and asking that they be expanded somewhat. I am mindful that we should proceed through this concept with some care, but I do think the time has come to provide for the Lieutenant Governor an official residence somewhere in or around Metro. Surely that would be an appropriate thing to do. Other jurisdictions have done that in various ways.

It seems to me we could put together a rather reasonable, commonsense marriage of two ideas. One is the preservation of a historic site, which is often a difficult business. For example, in my community we have the residence of Colonel Sam McLaughlin, called Parkwood, a magnificent estate. The difficulty is that when

one sets up a private board to maintain an estate of that size, it is not easy to keep that funded. It is difficult sometimes to find someone who can do the kind of repair and maintenance work that needs to be done on some of these homes.

I think we could do two things here that would be useful. One is to find and identify a home of historic significance in or around Metro and declare that to be the official residence of the Lieutenant Governor. It seems we would solve two problems at once. One would be the preservation of the historic site and the other would be the acknowledgement of the importance of the office of the Lieutenant Governor.

Much of what he or she does on a day-to-day basis is to hold receptions to acknowledge the work that people throughout Ontario have done. I think it is important that it be done in a proper setting, so I would like the government to take under consideration that one matter. In and around Metro, I think, would be the logical place, although I certainly would not want to exclude northern Ontario, because I think that things could be done there. I put forward the one suggestion in Oshawa because I know that people would be amenable to discussing that.

I am not convinced for a moment that it is necessary to go out and buy a house. There are a number of groups and agencies who have been charged with the responsibility of maintaining a home that would be suitable for such a purpose and who would be more than pleased to see some participation by the Legislature in maintaining that residence.

I know that there are a number of communities throughout Ontario that would be just thrilled to death if the official residence was designated, even if it were a summer residence, in their community. I think that each of us could give you a good list of places where it would be—

**Hon. Mr. Peterson:** Wouldn't your generosity extend to the Premier in this regard?

**Mr. Breagh:** When the Premier earns my respect to that degree I will make the same suggestion for him.

**Hon. Mr. Peterson:** I will let you stay with me for a weekend.

**Mr. Breagh:** The Premier will not even take me on his staff. He has taken everybody else. I do not know why he would not take me.

At any rate, I would just like to put that idea forward as one that I think is an appropriate step. It is particularly appropriate as we consider among ourselves the restoration and the renovation of this building. I know that the Lieutenant Governor will probably always require some



office space here in the precincts because some of his duties are of an official nature that require him to be near the chamber. But I think that we can certainly accommodate that and the concept of an official residence.

I think that would be a useful idea and I do know that people throughout Ontario have gathered together a great deal of respect for the current occupant of the position, and certainly for the position. When you think of the people who have held the post of Lieutenant Governor in the last decade or so, you will see quite an unusual array of individuals who in their own way have brought to that high office their own distinct style and manner.

Some of them have taken on charitable causes, for example. Some have taken on particular groups in our society that need somebody to speak for them. Lincoln Alexander is one who has done all of that and more. He brings to the office a great deal of stature as someone who is wise in the ways of politics in Canada. He is our own personal form of diplomatic representative of the monarchy in Ontario. He does that with great distinction. He serves the people of Ontario extremely well. If he had an official residence, I think he would be able to do that job just a little bit better. So there is one idea for you.

**Hon. Mr. Conway:** Parkwood, you say?

**Mr. Breagh:** I see the support growing for Parkwood in Oshawa and I would be happy to initiate those discussions if the Premier would like.

**Mr. Furlong:** It is in my riding, though.

**Mr. Breagh:** I do not care where it is. I know that it is in the city of Oshawa, and in the city of Oshawa it does not really matter where you draw boundary lines for ridings. People know that that community is of one mind.

That would be one good positive suggestion. I await with bated breath the other suggestions that will come from other areas of Ontario to accommodate the same idea.

**Mr. Harris:** I am delighted to have the opportunity on behalf of our party and as House leader for the party to say a few words on the estimates of the Office of the Lieutenant Governor. Assuming that His Honour is watching his television set and waiting with bated breath to see whether his estimates will carry unanimously, let me assure His Honour that they will.

**Hon. Mr. Peterson:** That is very charitable.

**Mr. Harris:** Very charitable, the Premier says.

I want to join with the first minister, and with my colleague the member for Oshawa (Mr. Breagh) on behalf of the New Democratic Party, in saying that not only on the monetary side do we find the estimates proffered by His Honour modest in relation to the service that we think his office brings to this province, but when we deal with individuals, the individual himself, the Honourable Lincoln Alexander, we believe does fill the shoes of a long line and a long history—certainly in my recollection, being a youngster to Ontario and Ontario politics; as far back as my young recollection can go back anyway.

1530

They are big shoes to fill. We have been very blessed with a series of lieutenant governors who have brought pride to those of us who are legislators, who have brought pride to this Legislature itself, to government, and through that vehicle he has that we all share, to the people of Ontario.

I do not want to speak at great length. I have discussed before the proposal the member for Oshawa has talked about with regard to an official residence. I did not realize he was going to bring it up today. This strikes me as an appropriate forum to say that I have concurred with the suggestion that has been put forward today by the member for Oshawa. He has also put forward one of the modest difficulties we will have; that is, determining where a suitable location is. None the less, as symbolic and important a gesture as having that residence in northern Ontario would be, I am confident—

**Hon. Mr. Peterson:** What about Minaki Lodge?

**Mr. Harris:** Well, perhaps North Bay where the air, rail and road services are very accessible. Having said that because my constituents would want me to, I have every degree of confidence that members of all three parties could sit down in a nonpartisan fashion and quickly come to some form of agreement as to location.

I too agree with the member for Oshawa, and we have discussed this aspect of it as well, that it need not cost the government very much money to have the honour of providing it. Whether the potential residence is now owned by an individual, an organization, a company or an association, it is the type of thing for which I am sure one could find a benefactor in this province, whether it is a direct donation or a collective association of the private sector.

**Hon. Mr. Conway:** Like Stornoway or Kingsmere.

**Mr. Harris:** Well, I think we should start with His Honour's residence. If others want to move to a Premier's residence, and one for the official opposition and one for the House leader of the third party, we could discuss that at some other date.

I think it is something we can talk about. It need not be an expensive proposition and may save the government some money when it is finally done. Having said that and having concurred with the member for Oshawa, and hoping that our comments today may lead to some discussion around that, the first probably ought to be with His Honour himself. I am sure he could give us some insight into that as well.

I want to say we are delighted today because of the office, because of the tradition, because of the history of the office, and more importantly, because of those people who have held that office, in particular now, the Honourable Lincoln Alexander, we are delighted to offer our concurrence in these estimates today.

Vote 2301 agreed to.

**Mr. Chairman:** Shall the estimates of the Cabinet Office and the Office of the Premier be considered together? Is there an agreement on this?

Agreed to.

#### ESTIMATES, CABINET OFFICE

#### ESTIMATES, OFFICE OF THE PREMIER

**Hon. Mr. Peterson:** I know my honourable colleagues have a number of things to say on this matter. I could easily make a speech in defence of the government, the Cabinet Office and the Office of the Premier over the last little while, but I think in fairness to my colleagues opposite, I will let them start the discussion and I would be happy to participate on the appropriate occasions.

I assume my deputies can come and assist in this matter.

Agreed to.

**Mr. B. Rae:** I would just give notice to the Premier that I have two or three policy areas I want to discuss with him in particular, which I am sure he will be interested in discussing.

One is health care, because of the announcement that was made today by the government with respect to its proposals to the Ontario Medical Association. I will also have some questions to the Premier concerning native rights, and in particular the question of the Temagami land claim. I will have some questions to him on the subject of French-language

rights in the province and some constitutional questions that I think arise from his responsibilities as Minister for Intergovernmental Affairs, if that is all right with my colleague.

Obviously, I have discussed this with my colleague from the Conservative Party and we have agreed that we will try to share the time as fairly as we can, but that he will allow me to have a bit of leeway between now and roughly 4:30 p.m. or 4:45 p.m., if that much time is required, and then take the rest of the time for his line of questions.

**Hon. Mr. Peterson:** Does he want to discuss the subjects individually as we go, or does he want to discuss all three of them?

**Mr. B. Rae:** I would like to do them in blocks.

**Hon. Mr. Peterson:** And then we will respond and we can have a discussion; fine.

**Mr. Brandt:** With respect to the leader of the official opposition and the Premier, might it be possible, in order to have some continuity to the debate, that if one of us feels like participating in a subject matter raised by another leader, he can feel free to do so? Otherwise, we will share the time. I think we can do so in a way that will be satisfactory to all parties.

**Mr. Chairman:** Does everybody agree to that?

Agreed to.

**Mr. B. Rae:** I must say I was absolutely dumbfounded when I got this letter five minutes before the end of question period. I was dumbfounded by the letter, but I was also dumbfounded by the process.

This is the letter, which I am sure the Premier has seen, that is signed by Mr. Sloan, who is chairman of the Joint Committee on Physicians' Compensation for Professional Services, announcing to Dr. Wyman that the government is giving written notice of its opinion that the negotiations are at an impasse, deeming the negotiations to be at an end, and announcing as well that there no longer is an appropriate negotiating process and it is giving notice it is terminating the memorandum of agreement of November 30, 1981, which is currently in force.

#### 1540

The Premier knows this is an act of government policy that is quite fundamental. It speaks to the future of the relationship between the government and the Ontario Medical Association, which the Premier will know from his own personal experience is a subject of enormous importance. He is chairman of the Premier's Council on Health Strategy, so one would think,



obviously, that he has a very direct interest in what this is all about.

I would like to ask the Premier a number of questions. Perhaps I can put them to him all together. First of all, why was this not presented to the Legislature in a simple statement by the minister? If it had been done yesterday, he could have phoned Dr. Wyman in the morning and said, "This is what's going on," and presented the same information to the Legislature and given us an opportunity to discuss it. I would have thought that would be quite fundamental to how he wants to conduct business in an area as basic as the relationship with the OMA.

The only explanation I can think of is that the government did not want to have this discussed in question period when it was hot, that it wanted to go through the weekend without having to deal with it and then come back and deal with it. I must say I am astounded by this approach by the government.

I would also like to ask the Premier why there has been no discussion by him or by either the Minister of Health (Mrs. Caplan) or the minister responsible for these negotiations, the present Chairman of Management Board (Mr. Elston), as to what the government's basic strategy is in these negotiations, what its objective is in these negotiations?

It has continued to stick with one figure, the 1.75 per cent figure, which has been the figure that has been in front of the public and in front of the medical profession from the very beginning. On the face of it, that is a low figure. I am sure the Premier would understand that is below inflation. It is not in keeping with increases in the cost of living. It is not a figure in any other negotiation on any other range of people, whether you are talking about senior management officials, about his own senior executives, about his own deputy ministers or about other people who are making the same salary range as the OMA. No one is being talked about in the light of a 1.75 per cent figure.

I would like to ask the Premier, what is his explanation for how he has handled this, and second, what is his explanation for the basic approach being taken in these negotiations?

**Hon. Mr. Peterson:** A couple of points: Mr. Sloan sent that letter to the chairman of the OMA as a leader of the government side in the negotiations. These negotiations have been going on for a very long period of time. My honourable friend is right when he uses the figure of 1.75 per cent, but he has to understand that reflects itself in a 9 to 10 per cent increase in the

budget in payments to physicians, and therein my friend will be able to see the dilemma.

My honourable friend the leader of the third party will understand some of these negotiations that his government had with the doctors over the past little while when they went through very rapid increases.

The payments to physicians do not just represent the increase on a per service basis; they represent overall payments to doctors based on utilization and a lot of other factors and an increase in medical manpower.

One of the things we realize we have to do, as all governments in this country have to do, is deal with the question of manpower and utilization and the question of the most effective use of our medicare dollars. We all know there is enormous pressure on this system financially, and we believe everybody has to play a role in trying to keep our system open, accessible and fair for all. There is not an infinite number of dollars.

I say to my friend, as kindly as I can, there is not a day goes by—he says he wants the issue when it is hot, presumably when he is going to get a little more attention when he makes a point. It is hot today on day care, so he has screamed for more in day care. It is hot today on medical care, so he screams for more in medical care. It is hot today on something else, so he screams for that and it does not all add up.

Governments have the responsibility, unlike oppositions, of making it all add up and reconciling that with whatever tax increases we are prepared to put. The member does not speak too much about that particular issue, but my friend in the third party is always talking about tax increases and everything else and thinks it is inappropriate. He cannot, in a sense, have it both ways.

We are sitting down with the doctors. We have had lengthy discussions. We have a number of people looking at some of the long-term problems we are facing. The system is not in crisis by any stretch of the imagination. If you compare our system to any other around the world, you will see we are spending a fairly high percentage of our gross national product, but certainly not as much as the United States. We have a system that is open, fair and accessible, but we also know that we have an ageing population, that we have increased expectations, that we have new demands on the system, new diseases and new technologies. Our job is to preserve that system and make sure it is responsive, open and accessible to all.



That was one of the reasons we called together the Premier's Council on Health Strategy to wrestle with some of these long-term issues. Its job is not to negotiate fees. Its job is not to build hospitals tomorrow or the next day. Its job is to wrestle with the long-term problems in health care, with the emerging trends. We are dealing with these things. Members are already seeing major new changes towards community-based health, preventive medicine, the kind of things we think will make our system a little different perhaps, but equally effective in the future.

We recognize none of these gains are going to be made in one day. These are important issues that confront all governments that have some kind of, shall we say, public health care system, and most governments in the western world do. You see what they are doing in England, you see what they are doing in the United States and you compare our various systems.

We are wrestling with those problems and we are making some progress on this. We have been meeting on this and have been rolling up our sleeves. There is a group I chair. Already things are happening with respect to community-based initiatives that are new and innovative in this regard. We are trying to share the information. We are trying to make sure we are spending our medical dollars as effectively as possible.

There are many who argue that there is enough money in the system and that it is just a question of deploying that money properly and effectively.

Members will have scientific as well as anecdotal evidence that this is not always the case. At the same time, I admit there are problems in the system. There are going to be in any system this large, when someone inappropriate is in an unfortunate situation, and I understand that. We hear about these in the House and we try to rectify those as quickly as we can and try to prevent that from happening.

If members take the millions of cases that are treated, the number of hospital beds that are used and the operations that take place, they can see the system is still functioning pretty well, and is something I think Canadians value. Our job in terms of governance is to make sure that continues.

We know the monetary pressures on the system from all sides, from the new systems as well. We have moved very substantially in home care, as members know, to keep people's hard-fought-for independence. Those are major new initiatives. We have moved in assistive

devices and a whole variety of new areas that previously had not been moved along very far.

We think the physicians have to assist us in that regard, and as I said, the overall bill for physicians is up nine per cent to 10 per cent in this budget. That is the amount going to physicians, so it is not just the 1.75 per cent. That is a bit of a deceptive number.

Then you have to look at the manpower issue, which is an important part of this. The doctors' population is increasing roughly five per cent a year. In spite of the problems, most doctors find this an extremely attractive place to practise medicine. We are inundated with doctors from across Canada, from across the world, who want to come and practise here, and we can understand that.

We have a distribution problem. My friend the member for Lake Nipigon (Mr. Pouliot) will tell me about that. I was looking at those figures the other day. We have placed something like 800 doctors in northern Ontario through the northern programs, the underserviced area program. Yes, there are 160 problems at the present time and we are constantly working on them and looking at new and innovative ways to solve them. It would be wonderful if people, of their own free will, moved to Manitouwadge with no special incentives, or to Red Lake or wherever the situation happens to be.

We want to enter into serious discussions with the profession with respect to all of these issues, and we are going to need everybody's help to maintain the quality of the system we have.

I think we are seeing a number of studies going on, a number of co-operative areas going on. No question that when people are negotiating from time to time there are differences of opinion on these matters. But I think our position, given the overall budgetary situation and the pressures, is quite reasonable.

**1550**

**Mr. B. Rae:** The Premier did not answer my first question, so I will put it to him: Why would he not have told the House about this when he was telling the Ontario Medical Association? Why would he not have had at least the courtesy to tell the Legislature prior to the end of a legislative week that he was planning to do something, rather than have it drop on the table five minutes before the end of question period on a Thursday afternoon?

**Hon. Mr. Peterson:** I honestly do not see what my honourable friend is so exercised about.

**Mr. B. Rae:** We haven't had an opportunity to discuss it.



**Hon. Mr. Peterson:** Well, you can discuss it right now. You can discuss it on Monday. You can discuss it tonight. You can discuss it tomorrow. You can discuss it any time you want to.

Normally, negotiations are not conducted in this Legislature. Now, it may not be his view—

**Mr. B. Rae:** You are not negotiating at all now.

**Hon. Mr. Peterson:** I can tell the member that there is an ongoing discussion and dialogue with the medical profession, and there will be. Sometimes I have sympathy with my friend's position, but I honestly cannot see that it merits this great consternation.

**Mr. B. Rae:** Let me say to the Premier that I do not regard this as a dialogue in terms of the substantive issues. I congratulate him on reciting the whole range of health care issues that he has. They have nothing to do with the questions I asked, and indeed, one would say that if he were really interested in dealing with the home care problem, he would not be forcing the Red Cross to beg for \$1.1 million in order to be able to continue to operate.

**Hon. Mr. Peterson:** There is \$68 million that we put into it that wasn't there before.

**Mr. B. Rae:** The Premier has to recognize the fact that he has a problem out there, that if he comes into my community or a number of other communities, he has not made the kinds of changes that have been promised. There are people who are in hospital who should not be there. We have not made the changes in home care. They have been far slower than were promised, and there has not been the money in the system to deal with the growing demand and growing need.

I just say to the Premier that he may be frustrated as all get-out because he does not feel he has enough money to deal with all the demands being made on him and he does not have the ability to re-allocate the money that is there in a way that makes sense to him.

I say to him that if he looks at the history of the negotiations with the OMA going back, certainly, to the time that I came into the House in 1982, there was no issue as important in which the government was more directly involved, in which ministers of health and chairmen of Management Board were prepared to discuss and to be here in the House and to say this is what we are doing and this why we are doing it.

This is a completely different kind of approach. The Premier says to me, "Don't get

worried about it." I tell him that I am very troubled by a government that simply says: "We are going to terminate the discussions. We're going to terminate negotiations. We're going to terminate the process of negotiation that's been in place since 1981."

I say to the Premier that I have no trouble with the idea that he says to the doctors, "We want to start a new way of negotiating," but perhaps he could tell us what it is.

Is he saying he wants to negotiate manpower questions with the OMA? Is he saying he wants to negotiate use and patient access to doctors at the same time as he negotiates the actual fee increase? Is that what he is saying? If that is what he is saying, I think he should tell us that and I think he should tell that to the OMA. Is he saying that the OMA has not been willing to negotiate those questions up until now and that he has not been able to deal with those things? Well, then why does he not say so directly?

Why refuse to discuss publicly what he is surely discussing privately, which is exactly what has been the course of these negotiations? Why is it, for example, that he is taking the action he has described in the letter of December 7?

**Hon. Mr. Peterson:** I think the point is, yes, we do want to continue the discussion on utilization and manpower, which are specifically excluded from the Joint Committee on Physicians' Compensation for Professional Services, and there is a whole range of issues beyond just salaries that have to be discussed with the profession. I think that is quite obvious.

**Mr. B. Rae:** Again, let me be more explicit. If he is trying to convince the public that he understands what these problems are, then surely he ought to be putting all his cards on the table, not as a bargainer with the OMA but as a government that is trying to provide some leadership in the health care field. Why not say: "All our cards are on the table, and this is what we are trying to negotiate. We think that doctors should see fewer patients or not as many patients, or there should be more control on how many patients see how many doctors?"

If that is what the government is saying, patients out there want to hear that. They want to know that that is the position of the government of Ontario. What they do not want to see is a government that says, "We're going to pay the doctors 1.75 per cent, and the reason we're going to pay them 1.75 per cent is that we do not want the overall transfers to physicians to exceed eight per cent, nine per cent, 12 per cent," whatever number it has.



The government could have said to us, "We want to say there should be a transfer to doctors of X per cent," five per cent, "and this is how we are going to restrict access to the profession."

What I am saying to them is that they cannot do this without putting all the pieces together and without being very clear to everyone exactly what it is they are trying to do, because as the system now exists, there is a form of rationing and there is a form of restricted access. It consists of waiting lists.

The Premier says there are problems from time to time. I say with the greatest respect to the Premier, I have spent a great deal of time talking to patients about health care in the last while and I can tell him it is not a problem for one or two people, it is a systemic problem in this province. The problem of waiting lines and waiting lists is more severe now than it was a year ago and more severe now than it was five years ago, and it will be worse in a year than it is today, for one simple reason: It is because the Premier and his government, and governments in the past, have not put all the pieces together and put all the cards on the table in terms of what they want to do, and because they have not been able to reorganize the system in an effective way, they have not been able to plan it in an effective way.

This is not an act of planning, this is just ham-fisted. This is just another ham-fisted confrontation in terms of the question of compensation. It is not going to create more nurses, it is not going to create more access, it is not going to transfer any money to the Red Cross, it is not going to do any of those things. It is simply going to create an atmosphere of greater confrontation when in fact the government, in our view, should be saying to everybody, "This is what the government is prepared to do and this is the leadership we are prepared to offer." I do not see that in this statement from Mr. Sloane.

**Hon. Mr. Peterson:** I see a man opposite me in this House who has always been yelling to hammer the doctors, legislate them back to work—I remember those kind of things that he used to say.

This is an approach to sit down and discuss the real issues, as we said. My honourable friend may think he could do a lot better, and he is entitled to that view. He may say, "Pay a lot more." My friend opposite may say, "Just get the rates up and everything will be hunky-dory," and then criticize at the next press conference for raising taxes to pay for it.

I hope that this will start a discussion about the real issues. Going back to his original point, my

honourable friend thinks that we should come into this House and negotiate everything, be it native claims or whatever. In a negotiation, by definition, you are not sure where you are going to end up. Each side knows where it would like to end up, and it is negotiated along the way.

My friend is not so naïve as to think that every time the government is in a negotiation—and we are in hundreds of them all of the time with all sorts of groups—we are going to come in here and say, "Here's what we are going in to say, but here is our bottom line at the end of it." Surely his position, when thought out, is not something that he would be comfortable in putting to any person. When he sits down to negotiate with his staff here, does he tell them ahead of time? Does he say, "Here is what we are prepared to pay you, but we are going to argue with you for a while"? He does not do that, and I think my honourable friend should understand it in that context.

**Mr. Brandt:** If I could have a word on this subject, I take some exception to the Premier's suggesting that either myself or the Leader of the Opposition (Mr. B. Rae) are in fact wanting to negotiate openly on the question of the medical profession. What we are raising, and I am pleased to have an opportunity to be able to say a few words on this particular topic, is that the negotiations have now been suspended. A decision has been made by this government that the maximum amount it is prepared to pay by way of an increase is 1.75 per cent.

I think it is a reasonable question to raise in light of the fact that negotiations have now broken down. We have received a mediator's report which indicated that the doctors should have been paid, according to the mediators, some 3.75 per cent, recognizing that the doctors were asking for more than five per cent by way of increase.

But I would like to say that at no time, unless my memory fails me, have either of the two opposition parties raised questions with respect to these very sensitive negotiations in this House. We have raised questions after the fact, now that a decision has been made by the government relative to these negotiations, which now obviously have been brought to a halt as a result of that decision.

**1600**

The question I want to raise with the Premier is relative to the mediator's report, which indicated an amount that I have to believe was studied and arrived at after due consideration for some of the increased costs that the Premier has to deal with. What happened with that mediator's report and



why was it so totally unacceptable to the government in the light of the fact that 1.75 per cent is less than half what most other groups in society seem to be receiving today, albeit the full roll-through is nine per cent or 10 per cent, as the Premier has indicated?

**Hon. Mr. Peterson:** The full roll-through is nine per cent to 10 per cent, and that is what the taxpayers are paying to physicians through total payment. If my friend says it should be another three per cent, then it would be 13 per cent. He is the same one who would prepare a little brochure and go out to the subway and say the deficit is going up to pay for that.

In broad terms, we have to look at that envelope. Ten per cent a year is two and a half times the rate of inflation, or at least twice the rate of inflation. It is going up every year. That puts a great burden on the system, and everybody has a responsibility to contribute in that regard. We have a system that we think is reasonably fair, but we have to put our minds to the questions of utilization, manpower and other complicated questions that heretofore were not really very seriously discussed. We are willing to sit down and negotiate on these matters, and we hope they will come to the table.

**Mr. Brandt:** I recognize that the Premier has priorities in terms of health spending, which takes up fully one third of the entire budget, and I appreciate that there are going to be ways and means of perhaps introducing some economies along with an acceptable level of service in certain areas of health care that will change and be different from what they are today.

I indicate to the Premier at this point that my party is prepared to go along with those cost-saving measures when they are able to maintain a quality of health care that we feel is acceptable for this province. I know the Premier feels the same way. There is not an endless pit of money that he can keep grabbing from.

The Premier himself made a number of promises, during the course of the past two elections in particular, about issues that I think increase expectations: a denticare program, a program for northern grants, the development of business, the northern tax grant, equalization of gasoline prices and a whole host of things that cost a lot of money. Why is it not more important to preserve those fundamental services that are so critical to Ontario society, like a good strong health system, maintaining the kind of service and reducing the waiting lists that we are experiencing at the moment, than to tell people

about things we cannot afford to buy at some future point in time?

I see there is a bit of a dichotomy here. The dichotomy is basically that, on the one hand, the Premier is saying we have a limited amount of money, and therefore we could not provide the doctors with a higher settlement. On the other hand, we have rising expectations, which the Premier in great part has created, in the education system and in a whole host of other things.

I take issue with the fact that the doctors are being made scapegoats, because their actual increase, not the increase to the ministry or the Treasury but the actual increase to the individual doctor, is 1.75 per cent. That is what it is. When we build in the five per cent additional staff that are going to come into the medical field, when we take a look at the other costs that are associated with that, in all probability we will come up with nine per cent. That is not different from other groups. There are other groups, other ministries, other budgets that have that same problem.

Again my question is, since 3.75 per cent was deemed to be a reasonable number by the mediator—and I am not arguing for the doctors' figure of five per cent plus or whatever it was that they were asking for; and I am not asking to negotiate the matter here in this House now, because the issue is closed, for all intents and purposes—why is that figure not a realistic one in the light of what other groups in society are getting?

**Hon. Mr. Peterson:** I understand the point the honourable member makes, but let me just take him back to some things he said.

He said this government should spend more on health care and do less in other areas. If he looks at the broad range of programs that we have brought in—be it French-language services, which were new; the health assistive devices, which were dramatically expanded, and I think that is a legitimate need that the member would admit; or the dramatic increases in community and social services and those support payments—the member argues it is not enough.

What should we sacrifice for what? Is the member saying that the things we are doing in the technology areas, the education areas, the centres of excellence are not worth while? Government has a wide variety of responsibilities, and we are trying to fulfil all of them. The health budget takes roughly one third of our budget and is one of our most important priorities.



I think what members have seen are some important changes in that regard as we are moving to more community-based, independent living, as we are looking at innovative programs in the communities and at alternative ways of doing some of the traditional things that we know are putting an enormous amount of pressure on the system.

It is interesting. I forget which newspaper it is that has been holding a conference annually for the last 15 years saying there is a crisis in health care funding. The member should look at the system compared to anywhere else and the accessibility for everyone, rich and poor, across the province. Yes, we have programs in northern Ontario. The member may be against the programs for northern travel grants and a number of things, but we are working very hard to try to equalize opportunity and keep the system accessible and available for all.

The member has to look at certain of the statistics. The statistics say that, depending on where you live, you can be three or four times more likely to have a hysterectomy. He has to look at the medical effectiveness of the kinds of things we are doing. For example, some people say that 70 per cent of the people who go to a general practitioner are not medically sick in the traditional way. So we ask, are there different ways to handle these? They are social problems or some kind of medical problem, but they do not require a medical officer of that particular level.

Then we look at the explosion of manpower in particular areas and say, "Is that increasing the level of health in a particular area?" We went through this discussion with respect to extra billing, and there was the prediction that all these doctors were going to run out of the province and would not be able to stand it here any more. Exactly the contrary is the truth. This is still a very good system.

**Mr. Brandt:** Some specialists did leave.

**Hon. Mr. Peterson:** Sure, a few specialists did.

**Mr. Brandt:** Some key specialists.

**Hon. Mr. Peterson:** I do not think this health care system depends on one particular specialist. If the member is talking about Dr. Munro, I will take him to London, Ontario, and introduce you to Dr. Bob Colcleugh at the Victoria Hospital, who is doing the cranial work that Dr. Munro did. He is a world expert. He may not have as much publicity, but I can tell the member he would have every confidence if his child needed that kind of attention.

I understand that these things get a lot of publicity. The graveyard is filled with indispensable men, both inside and outside politics, but the world has a habit of carrying on, as I understand it.

We have a very competent profession, but we have to have the profession's help in keeping a system that is manageable and accessible to all, where the costs are not running out of control to the point that someone would come in and say, "Look, we're going to start bringing in user fees," or "We're going to have a difference between the rich and the poor," because we know this: If expenditures continue to run out of control and we cannot have reasonable systems now and in thinking, there could be problems in the future.

That is what we are working on now, on a long-term basis, with a group of providers. We have a number of innovative ideas. We have already started doing things to take some of the pressure off the system.

My friend the Leader of the Opposition will argue there is not enough home care and there are not enough chronic care beds, and he is absolutely right. He can stand in this House and tell me we do not have enough of anything. He can fill in the blank and he will be right. The opposition members all argue it every single day.

However, I will argue that by any standard, within our own province or compared to other provinces, we in fact are taking the lead in a number of these matters and we are putting in place a system that will take the pressure off the system in the long term. It will not be dramatic. It will not happen in one day. It happens slowly, over a long period of time, as we are dealing with one of the most sophisticated, complex health care systems in the world.

I ask my friend to be charitable about this. I think we are making real progress in that regard and we are determined to continue to do that. This is the tough stuff of governing. My honourable friend knows something about that. This is not the easy stuff of opposition speeches. This is the tough stuff of governing.

**1610**

One of the things that we are determined to do as an administration is deal with these questions in a thoughtful way. Sometimes you have to be a little tougher than you like to be. I do not get any joy out of saying to somebody, "You can't have that." I wish I could be like Santa Claus and say, "People can have anything they want." But we have to do it in the context of all of the government responsibilities and priorities and try



to reorient the system to make sure that 5, 10 and 20 years from now, we are not just deferring pressures.

I do not want to be unkind to my friend from the third party, but when we came in here, we saw an enormous number of pressures that had just been deferred. There is not anybody in government who cannot defer, defer, defer for a while. I can put any problem on the back burner for a year, two years or three years, but I think it is not right, when we know those problems will be worse four years from now, not to start dealing with those things.

I think, in as fairminded a way as possible, that we do not bear any group any malice. We want to work with all sectors of the community and we need the help of all sectors of the community. Through reasonable discussion and dialogue we can solve some of the tough issues. Compensation is easy in a sense: Give them this, give them that. You know, fight about it.

The member went through it. His former leader went through it. He is referred to at all the Ontario Medical Association meetings as the man that the OMA wrestled to the ceiling. Any one of us can win that credit with any other group that we are negotiating with. It was, by any standard, a generous settlement.

But we have to ask that all sectors, including MPPs, carry their fair share because we do not have unlimited money. We want to be as sensitive as we can to the service side, to the consumers, to the people who need help in our society, as well as to the providers, the taxpayers. I think that if he looks at the record, it is not a bad one.

**Mr. B. Rae:** I got the subliminal message, as well as the other one.

**Hon. Mr. Peterson:** That wasn't subliminal.

**Mr. B. Rae:** It certainly wasn't.

I want to ask the Premier, if I may, a new line of questioning. I am sure we will be able to come back to this question in the remaining days in question period, but I do want to ask the Premier a question about the statements that he has made publicly with respect to Bill 101 and the question of constitutional reform more broadly. I will get into Meech Lake.

I will just put the question directly to the Premier. Does he not think he would have more credibility in commenting on English minority language rights in Quebec if he were prepared to take the historic and necessary step, in my view, of announcing Ontario's willingness to declare itself officially bilingual and looking at that as an obvious act of national reconciliation on his part?

**Hon. Mr. Peterson:** I appreciate the honourable member's point, but I say with some modesty that I think that Ontario does have a substantial amount of credibility in these issues at the present time. With the historic Bill 8 and with the help of many members of this parliament, we have been moving as hard as we can to provide French-language services.

We have had this discussion over official bilingualism. I know my honourable friend's position in this matter and I respect it. I also know at least the historic position of the third party. That could have had the potential to become a highly inflamed political issue in the last campaign. He knows it and I know it. It was not, in my opinion, the most salutary or wholesome aspect of that last campaign. But it was there anyway, and I was very proud to take the position that I did.

Again, I do not like to be immodest about this, but I think that Bill 8 is—and I think the member's honourable friend the member for Lake Nipigon would probably admit this—probably the most significant move forward in this province in minority language rights in 120 years. It is something we are deeply dedicated to in this government. I know the member is as well, and I respect that.

I have said before that this province will, I believe, be bilingual. I cannot tell the member the date, the appropriate time in that regard, but I think it is coming that way and our job is to put the services in place. We are spending a lot of money on it now. We are negotiating with the federal government for a French-language college. We are working hard in the social services area, particularly where we are deficient in terms of French-language professionals, and we will continue to do so.

My own sense is, and the member may know better than I do, that when Ontario speaks on these issues it is treated with an enormous amount of respect here and in other provinces. Our record is not one to be embarrassed about. Sure, the member could push it further, like any other point he would want to make. It is one of the reasons, in spite of the difference of opinion on issues, on tough issues like trade that the member will be aware of and others, that Ontario and Quebec enjoy a high degree of friendship in working together today.

So I say to my friend, I appreciate his judgements on these matters but I think that our credibility is intact and that most people will judge it to be so.



**Mr. B. Rae:** Let me put it in another context. The Premier says he has nothing to be ashamed of and that we have made great progress. I say to the Premier that it is my judgement—and I do not attach enormous self-importance to my own views on this matter, except to say that I have spent some time both in the federal domain and here and have spent a great deal of time trying to work on constitutional questions over the years—that if Ontario were prepared to take what is the next logical constitutional step for us with regard to minority language rights, as difficult as it would be in some circumstances and in some quarters, I cannot think of a clearer message we could send to the people of Quebec that we were prepared to be as serious as any jurisdiction in this country with respect to ensuring minority rights, not as a matter of statute and not as a matter of government service, but as a matter of right.

The Premier will know that the debate with respect to what happens after Bill 101 will be upon us when we hear from the court. I am not going to get into a debate about that, frankly, until the court makes up its mind what it thinks needs to happen. But I can tell the Premier that all of us in public life, in Ontario as well as nationally, are going to be asked very directly what we think should happen.

I can tell the Premier that it is very difficult to give advice to the government of Quebec unless it is advice that the government of Ontario is prepared to follow as well. This issue may be much closer upon him than he realizes because this debate is going to be very intense and emotional and real and it is going to be upon us very soon.

I say to the Premier in a spirit of real conciliation, and publicly, as I have said to other premiers publicly and privately, if at any time he thinks it is something he wants to discuss in terms of moving and building a provincial consensus on moving, that we and I will be there to offer whatever voice I can to see that it happens. Whatever happens to Bill 101, the statutory protection and the constitutional protection for English language rights in Quebec are significantly stronger than they are in Ontario.

If we are looking at not only the implications of Meech Lake, which I am going to be coming to in a moment, but at the implications of this particular discussion, I think that Ontario's role is not the most important thing in terms of dealing with the issue in Quebec. Relations in Quebec will determine the situation in Quebec as well as the reading of the Constitution and our interpreta-

tion of this very difficult balance between the rights of the French-language minority in Canada and the rights of the English-language and other language minorities in Quebec, and it is never going to be easy to find the right kinds of balance.

I think we can play a role. I know that the Premier takes considerable satisfaction in what has happened this far and that he is very sensitive to the criticism from those who say we have gone too far and who are troubled by the prospect of a bilingual Ontario. But the issue is going to be upon us again very soon, and before any of us offers helpful advice to other governments, we are going to be asked very directly what we intend to do here and what more we can do.

#### 1620

When we look at the hard reality of law—as far as the Premier thinks we have come—frankly, we have not come as far as we need to in order to make it clear that Franco-Ontarians can speak their language here as a matter of constitutional right, address their governments in their own language as a matter of constitutional right and receive services in the same language as a matter of constitutional right. It is difficult for us to be self-righteous on the subject of minority rights in other jurisdictions if we are not prepared to do the same thing right here in the province of Ontario.

**Hon. Mr. Peterson:** I do not think anyone is being self-righteous about anything. I also say to my honourable friend that I respect his expertise and his commitment in this area. These are causes for which he has personally stood, both here and in Ottawa, and I respect that. I also know he could take a constructive, shall we say nonpartisan or above partisanship, review on this matter. I respect it and I value his opinion.

Had Ontario been declared officially bilingual, there are a whole bunch of areas we just could not deliver on. We know that; the member knew that. We all knew that, and that is why we proceeded with Bill 8, which is a comprehensive bill. We are making some progress, but there are glitches in it. There are problems in the educational system, but we are making advances in that and, on balance, there is some progress that I am proud of. It has not gone the final legal step that the member talks about and, as I said, I think that will come some time.

Sure, I am mindful of the opposition on this, but I am mindful of the opposition on everything. There is not anything a government does about which it does not have opposition on both sides. That is a reality.

I remember the last campaign intimately. One of the best events I had was in Brockville,



Ontario, the home of the Alliance for the Preservation of English in Canada movement. I think the local member is probably a member there of that group. I have no idea. I remember there was all this tension in the campaign about what would happen in eastern Ontario and there were all these referenda and municipal referenda and all the problems that my honourable friends will remember. I went into Brockville and spoke French; I was the only one in town that understood what I was talking about, I think, even though my French is not that good, as you know.

But I think that was a significant statement about what we stood for and what this province stands for. I recognize the tensions as the member does, but I do not worry about that. I think it is incumbent upon political leadership, on these highly emotional issues, to be above stirring up language group against language group, race against race, religion against religion, and we have gone through those with Bill 30 in this House.

Some handled the tension and the pressure very well, because we were all under pressure on Bill 30, every single one of us from a variety of different points of view. Some people in this House handled that issue with great sensitivity and judgement, because we were all in it together, shall we say. Others—we saw how they handled it on an individual basis. That is a judgement people make about their own character, their own sensitivity, their own commitment on these kinds of matters, and I said to my honourable friend, “I do not question yours for a second.”

The Leader of the Opposition is going to take me to Meech Lake. I would not mind talking about Meech Lake, but I will let him start off with that if he so desires. Then I can respond as well, because I understand what my friend says about the symbolic act of leadership in Ontario and whether it would affect the views of someone on the streets of Rouen or Shawinigan about Bill 101 or Meech Lake. I am not sure. But there are some very critical issues for this country in the next little while.

As for Bill 101, the Leader of the Opposition and I do not have any effect on it one way or the other. That is a Quebec issue and it will be solved there, although there will be a washover for us.

Where we do all have a role is in the issue of Meech Lake. Even though it has passed this Legislature—and Lord knows I do not pretend to be a constitutional expert like my friend opposite, but I will say that I do know a little bit about

that. As a matter of fact, I know quite a bit about it, shall I say with some pride, as one of the authors of Meech Lake.

There is a lot of wording in Meech Lake that came directly from Ontario. We had assembled, I think, one of the finest constitutional teams that could be assembled. So did Quebec and so did the federal government, but we had some very bright people working on that and we knew the risks and the difficulties. We also, I think, understood the moment and we are seeing the pressures on that right now.

The member knows the difficulties in my party. I know the difficulties in his party. I have sensitivity for that and what is happening in Manitoba and what is happening in New Brunswick. Frank McKenna does not take his advice from me; neither does Sharon Carstairs. I am sure Gary Doer does not take his advice from the leader of the New Democratic Party, or Ray Martin in Alberta or whoever.

Maybe we should have a discussion this afternoon about what we can do in that regard, assuming we are committed to it, and I think it is fair to say that the members of this House are, by and large, with some reservations.

I do not want ever to be gloomy about what is happening. We still have a year and a half on this matter, and who knows what is going to happen for sure? I remain committed to it and I believe that if we do not, as a country, pass it, we will have missed an opportunity. Our kids will look back on history and say: “You guys were there. What happened to you? Why didn’t you do it?”

I do not believe the great fears expressed by many, including many in my own party. Honestly, I have had as many problems as the member has had on this matter. I do not believe their constitutional interpretation of what the real effect of that document will be. This is beyond Conservative, Liberal or NDP politics. This is a debate about our country and where we are going.

Maybe I will just turn it back to the member, if he wants to speak on this issue, and then we can have a dialogue about it. I would be interested in the views of the leader of the third party as well.

**Mr. B. Rae:** Before I get into that, I did not hear an answer, perhaps because I did not put my question directly to the Premier. Perhaps it is not appropriate for me even to put a question, but just to say to him that I think he is going to have to move on this question with respect to the official languages. I think there is much less distance in terms of taking that step than he thinks. The time



may be upon us, perhaps even sooner than he now, on December 8, thinks.

**Hon. Mr. Peterson:** The member's point is well taken. It may be one of the kind of issues he and I have discussed. If the leader of the third party wants to discuss this, the time frame on Bill 8 has not run out yet, as my honourable friend knows.

We still have some real practical problems on delivering. If you say the province is bilingual, you then get into the question of what that means. I am very comfortable with the statement, but the question is then: What does that mean? Does it mean someone in Sarnia is entitled to arrange an operation in French, to get mail delivered, which is not our responsibility, or by a matter of law or constitutional right, to get psychiatric services in French? It is a question of definition in all of these kinds of things.

What we are trying to do is move at a very practical level so when it comes some time in the future, it will not be a big hiccough. There will be a comfort level so we will not have some of the fear and consternation and upset that people have expressed in this matter.

I am certainly happy to sit down with the member and with the leader of the third party on any occasion and discuss these matters. One of the joys of this country, one of the things I love about this country is that we do not tend to polarize, or not very often, over these issues. The commitment to minority language rights is in the Tory party, the NDP and the Liberal Party. The commitment to multiculturalism is in all three parties.

I think that is one of the joys of our country. As political parties, we tend to be, shall we say, much more to the left collectively than they are in the United States, and the kind of things we hold dear that are central to our own beliefs are, by and large, shared. We do not get into partisan fights on these issues too often, and I hope we do not in the future. I think that is one of the civilizing natures of this country.

I am certainly happy to sit down with my friends and talk about these issues and how we can advance the cause of minorities, because it is something we hold dear to our soul on this side and on all sides of the House.

**Mr. B. Rae:** Perhaps, after having spread such sweetness and light, I might ask the Premier then to explain, as he is so committed to these things, the course of events that led the government of Ontario to take the position it has with respect to the Teme-Augama Anishnabai band on Bear Island. In particular, I would like to

ask the Premier to explain why the proposal that the Attorney General (Mr. Scott) made to the band back on September 30, 1986, was retractable. It was a 90-day offer, offered on a take-it-or-leave-it basis. Can the Premier explain that?

**1630**

**Hon. Mr. Peterson:** I think the Attorney General gave the member a better explanation. I was not party to all this correspondence. I certainly listened to his explanation in the House today and it sounded very compelling to me and, as I suspect the member would expect, not very compelling to him. What he said was that we are prepared to negotiate. Suppose we came to the negotiations and the appeal came out differently. As he said, you negotiate in order to solve the litigation problem. That is reasonable, certainly, in terms of negotiating theory. From where I sit, I do not think the Attorney General appeared to be unreasonable.

I remember when he brought that matter to cabinet. He said: "Look, as the minister responsible for native affairs, I want to do something that is historic in this province. I want to make this serious land claim offer. It is going to cost \$30 million. It is going to be upsetting to some, but it is the right thing to do." He put that forward and persuaded all his colleagues, including me, that it is the right thing to do. I am not oblivious to the history of relationships between the native communities and others and the tensions that go on, but we stand patient, ready to sit down on any occasion to discuss the whole matter to try to resolve it.

If the member wants to get into more detail about how the Temagami thing happened and what has happened throughout that whole discussion, I can tell him that we have sat down endlessly with Chief Potts. We have tried to work out co-management programs. We have tried to negotiate this matter. He knows the difficulties. He knows the pressures we are under from the millworkers in Temagami and from the environmentalists as well as this great clash of values over this particular piece of ground.

We were looking for a win-win solution. We put John Daniel in there with a group from the community to try to hold the thing together. Frankly, it could not hold itself together. There were just too many different areas. We sat down with the native band and went through the whole process again. I think we were very patient, as patient as we could be. At some point or other, you say, "Look, with all the goodwill in the world, there is nothing more I can do."



The member can second-guess and say he could have done better. He can say we should not do anything now. We have referred it to the courts, and he heard about their injunction this afternoon. I would like to have his advice on the matter. But as the Attorney General said, he is willing to sit down with the band this afternoon, tomorrow morning, any time, and try to renegotiate this land claim.

It is elementary: You cannot have a negotiated settlement and a court decision at the same time. If they want to take it to court, that is fine; they have the right to do that. But I remind the member, and it is lost in this discussion, the government won in court at the trial division. They can go through this appeal, and whatever the court says is going to stand, but then it can always go on to the Supreme Court, and we could be another five or 10 years doing this.

**Mr. B. Rae:** The Premier says, "We have tried to find a win-win solution," instead of which he has come up with a lose-lose situation, because he has established no environmental protection with respect to the cutting practices within the area in question. There are no changes whatsoever being proposed by the Ministry of Natural Resources; absolutely none with respect to the logging practices. The area is being proposed as clear-cut.

**Hon. Mr. Peterson:** That is not right.

**Mr. B. Rae:** I am sorry, but the understanding we have from everybody who is involved on the other side is precisely that.

If the Premier can provide me with detailed information showing how the cutting practices are going to be different and how the other users are going to be protected and how the environment is going to be protected in the area in question in terms of the land being used by the logging companies, then I will be delighted to see it, but it has not been made available to this House; it has not been made available by the Minister of Natural Resources (Mr. Kerrio) in estimates and it simply is not there. That information simply is not available.

I say to the Premier that what we have now is in fact a lose-lose situation. We have a situation where the Milne workers are out of a job, intimidated by the receiver into trying to get them to sign a statement saying they would not apply for severance pay in terms of working for another eight weeks. We have the government saying to the Court of Appeal that it wants to go ahead and build a road and the Court of Appeal saying, "No, you have to wait a while." We have the environmental group having to challenge the

government in court because the government has not ordered an environmental assessment on the use of the whole land rather than the narrow question of the construction of the road.

I say to the Premier, he has blown it. He says it has been the most difficult decision he has had to make. I say with the greatest of respect that I do not think he has made it. I do not think he has made a decision yet. He is saying now, "We've given up; it's all in the hands of the court." The government of Ontario's view is that it should be logging as usual, it should be lumbering as usual, and it is not prepared to be imaginative enough to come up with a settlement that will respect the interests of the native people and the interests of the environment and deal, yes, with the question "How do we provide an economic base for that community?"

That is a very real question, but I do not think he has provided answers to any of those questions or to any of those groups. I say to the Premier, I think that of all the difficult decisions he claims he has had to make, he put this one off for a very long time, and in putting it off he has come up with an answer no better than the one he could have come up with a year and a half ago.

I would challenge the Premier to look at the correspondence from Chief Potts. He says he has not read through the correspondence. He should have a look at the counterproposals that were made by the band. He should have a look at why it is that they want to be able to continue with the appeal as well as negotiate. They are prepared to negotiate. What they are not prepared to do is be faced with a take-it-or-leave-it offer from the Attorney General, which is exactly what it was. Whatever sweet and honeyed words he may use here, the reality is that the Attorney General stated in his letter of January 21 that Ontario has no interest in pursuing negotiations on the basis of any other principles than the ones that were outlined in his offer of September 30, 1986, which would have cost the government of Ontario \$15 million.

I think it was a historic decision. I regard the announcements that were made last week as being as difficult and as historically backward as any this government has ever made, and I think it is worth our pointing that out.

**Hon. Mr. Peterson:** I have yet to hear a positive suggestion from my friend opposite, but I look back on this and I can tell him that we have agonized on it, but I think we have handled it in a reasonable and sensitive way.

Just to repeat, we have offered the land claim. For a variety of reasons, the band has chosen not



to pursue that particular option, but it is still open. We sent in John Daniel with a group that is prepared to try to draw the various interests together. We sat down with the band and said, "We will put a council together and you will sit at the table to examine and control cutting practices." That is not the same as going in there and clear-cutting the whole situation. That is not absolutely correct; it just is not correct.

Milne is a very different set of problems. Milne, in this very hot market we have enjoyed for the last three years, has been losing money. They have a \$5-million bank debt. We have gone in there through the industrial restructuring commissioner and tried to assist them in looking at their competitive nature. What the bank is presumably saying is that if they are not competitive now with this large bank debt, how are they going to be competitive in an even tougher market in the future?

That is something to be determined, but that was not a function of lack of wood supply, because we said we would guarantee it for them. It was a factor in the livelihood of not just Milne, but Goulard and Liskeard and other communities as well, and I am very mindful of that situation.

Then you go back to the environmentalists. They look at Lady Evelyn-Smoothwater Provincial Park and they say: "That is not big enough. You have to draw a line around a bigger area; nobody can go in there." Then what are the limits, and where should it be, and who should control that situation?

We have expanded the park. It was in a pure state. Nothing happens in there except canoeing. We have taken all the other uses out. We have expanded the park's policy to create wilderness and nature parks. How much of it should be park, and how do you use those resources to the benefit of the people there, the native band and others as well, without stripping it out for future generations?

We were and still are prepared to share that authority and that decision-making with the band and local people. I can tell my friend it is not going to be a question of going in there and clear-cutting every single tree. It will be a question of intelligent logging practice, if it goes ahead.

We did not move in arbitrarily. When the band came in and blockaded the road, we did not, as some would suggest, go up and try to get into a confrontation. We tried to negotiate the situation. We have done all that. Now we are asking for the court's advice.

## 1640

I honestly do not think that if the member were handling this situation, he could have done any better or been any more reasonable than we have been in the circumstances. He may think that he is a better negotiator and that he could have pulled off a deal a year ago. All I know is that the Attorney General has credibility in native affairs.

Let me tell the member something. When I sat at the constitutional discussions on aboriginal self-government—a very tough constitutional round, as he knows—we did not succeed. We had only five out of nine provinces, as the member knows, and he knows the recalcitrance in that area. But I want to say with some pride that Ontario provided the intellectual leadership across this nation—and I include everybody else when I say this—working for ways to solve this problem, deeply committed to the cause; and it was because of the Attorney General.

The Attorney General has been associated with these causes long before many others in this House. Sure, some people cannot get their way, so they might try to attack his credibility. But when history is written, the native community will find no better friend. They make a serious mistake when they attack his credibility. His job is to litigate, to negotiate, but he has a deep and abiding passion for the native people, and he has demonstrated that as a Canadian through the Berger commission and a variety of other areas.

I have great confidence in the Attorney General, but he is no soft touch either. He is not just a bleeding heart, because he is a practical man as well. I think he has that rare combination of practicality and a real sensitivity for these issues. The people of this province, both native and white, are well served by having him in this capacity.

I do not pretend for a minute that everything we do in this government is right. We make lots of mistakes. You go home at night and say, "Gee, did I do the right thing?" As my mummy once said to me, "You just have to do things so that you can live with your own conscience." In this business there is no rule book on how to make these decisions that come along.

When I thrash this one out and I look at all the things we can do—and I realize everybody can criticize—I do not honestly believe that the member or anybody else could have done better in these circumstances, given the difficulties, or been more sensitive, lenient or taken more time with all the interests concerned.

I think we are going to be able to find a solution, but we are going to do that under the



aegis of the law. At some point or other, as we know, it is a question of the will of the people as expressed through the government. We are going to try to do that sensibly, but at the same time we are going to do it.

**Mr. B. Rae:** Let me be very direct with the Premier. When the Minister of Northern Development (Mr. Fontaine) made his statement, he did not mention for an instant the importance of the environmental assessment and the importance of the overall question of what kinds of practices are going to be in place. He did not deal with that. He paid lipservice and said we have to reconcile the environment. Then he went on and did not deal with it again.

If we want to deal with the environment for a moment, the only assessment that has taken place in this regard—and I say this to the Premier—is a ministerial review dealing with the question of the construction of the road. There has been no overall assessment of the question of the use to which the land around the road is being put. There has been no environmental assessment of the impact of various practices and plans of the logging companies on that land base. There has been no such assessment.

We have no real, genuine environmental review. The Minister of the Environment (Mr. Bradley) knows that. He has been embarrassed around this House for the last 10 days. He has been wandering over here, sadly looking around for some solace on this side. He just puts his hands up, shrugs his shoulders and says, "Oh, too bad, I didn't win that one."

There has not been an overall environmental assessment in that regard. It has not taken place. It has not happened, and that is a fact. The Premier can agonize all he wants and say how lonely it is at the top, how tough it is to make decisions and what his mother told him about how to make a decision—and I am interested in all of those things—but frankly I am more interested in his telling us why there is no overall environmental assessment on the impact of development in that particular area.

Why the insistence on simply going ahead with business as usual when we have two outstanding problems? We have the native land claim to deal with and the environmental problem to deal with. Basically, when we come right down to it and put aside all the rhetoric, all the agonizing and all the hand-wringing, of which we have seen some even here today, the fact is that those two concerns of native people and of the environment have taken a back seat to the traditions of development.

The pattern of development will not guarantee long-term jobs. It will be in and out, get whatever you can for the mill and then see you later. That has been the pattern of development in the north for the last 120 years. The Premier is not changing anything at all in that regard in terms of the decisions he has made in the last 10 days—nothing.

**Hon. Mr. Peterson:** One day the member argues for the people who work in the mill, another day he argues for the environment and another day he argues for native people. Those issues are not necessarily on the same wavelength. The member wants it three different ways. That is okay; I am used to that.

He talks about not making decisions. We have made a decision. We had an environmental assessment.

**Mr. B. Rae:** You did not.

**Hon. Mr. Peterson:** Yes, we did.

**Mr. B. Rae:** No, you did not.

**Hon. Mr. Peterson:** I am telling the member, he says we—

**Mr. B. Rae:** You had a review of the road. You have never had an assessment of—

**Hon. Mr. Peterson:** That is what we are talking about. We are talking about the road. That is what the issue in court is about, for two or three different lumber companies, and they are going through. We are having a class environmental assessment throughout the entire north and sitting in Thunder Bay with the member's friend.

I can tell the member, we have sat down with the native band and said, "Look, we're prepared to share the management of these resources," and will continue to do that. I think it has been sensitively handled. If the member wants to hold this thing up for four years with an environmental assessment, then he can go ahead and say so. If he wants to cut off Goulard Lumber and Liskeard Lumber and wipe out the towns of Latchford and Elk Lake and a lot of others, then he can stand up and say so. On one hand, he stands in this House to bleed for one side, then he bleeds on the other side, and he has never reconciled those interests.

What we think we can do in this situation is to sustain the development. It is not going to be clear-cutting, as my honourable friend suggests. We think we can accommodate the interests of the north as well as the environment and we think our approach is the proper one to do so. The member can stand up and say we bleed and we agonize. We do. Then we make decisions.



**Mr. Brandt:** With the permission of the Leader of the Opposition, who led the questioning on this particular subject, I wanted to return to the issue of Meech Lake if we could. We touched on it somewhat earlier in the context of Bill 101. I think it does bear some review by all parties with respect to the next steps that are going to be taken in this particular question.

The Premier indicated that perhaps we could dialogue in the hope of coming up with some constructive suggestions and perhaps some positive steps that might be taken. I share that view with him. I think the members of this House would like to see Meech Lake proceed in a positive way to the benefit of the entire country.

I would like to say, however, that there are some concerns, not the least of which is the one indicated by Premier Bourassa when he indicated that the defeat of Meech Lake would be the second humiliation for Quebec. I do not think any of us want to see that occur. The Premier indicated as well, as one of the authors of that particular document, that Ontario and he personally had a great deal of input into it.

From my vantage point, not having been privy to the intimate discussions that occurred in the development of the Meech Lake accord, one of the concerns I see on the part of colleagues from his party, Sharon Carstairs in Manitoba and Frank McKenna in New Brunswick, is the concern they have about the linkage between the document, as it has now been debated and approved by eight of the 10 provinces, and what is going to happen after that to deal with some of the other issues which I believe he as well has indicated have to be dealt with at some future point.

From my perspective as one who has been on the periphery of those negotiations and those discussions, I see the rather tenuous linkage, if you will, between the formal passage of Meech Lake and that first all-important meeting to deal with those other agenda items, as being the matter I dealt with in my own caucus, and I know was a matter of discussion in his caucus.

I wonder if the Premier might be able to share some thoughts with us in connection with that. I really do not believe that what has been stated, either by the federal government at this time or by the Premier himself representing Ontario, relative to those future discussions and negotiations, has satisfied either the Manitoba opposition or the New Brunswick opposition.

I believe that if we are going to come to grips with this matter in a positive way in terms of the benefit of the country, we have to do so in a way

that assures those negative voices that those other issues, like native rights and women's rights, will be dealt with in an appropriate context and in an appropriate form.

Perhaps the Premier would like to enlarge a bit on that and respond on how we could be helpful in that respect. I want to say this to him in a constructive way, because I believe that the issues of free trade and Meech Lake are two of the most important priority issues Ontario will have to deal with in the term ahead.

**1650**

**Hon. Mr. Peterson:** I appreciate the honourable member's comments in that regard. I am not trying to interpret them, but he may be searching for a compromise that everybody can buy in looking at the two solitudes on the debate and at the reservations of New Brunswick and Manitoba. The reservations are different. They vary in nuance and in strength from group to group. To some people, the top priority is native rights.

I would argue, just parenthetically, that native rights are enhanced under this agreement. The member knows we had three meetings on native rights, and they ran out of gas. I think I was at just one of them. Mr. Davis was at two of them prior to that, and then they ran out of gas after 1982. Part of the constitutional accord was to promise three meetings on native rights if there could be an accommodation.

Theoretically, we never have to get together to discuss the Constitution again or to try to develop a common agenda. The history of this country will tell that it has taken decades sometimes even to get a meeting on constitutional reform, because there are so many different points of view. One of the good things about Meech Lake is that it forces everybody back to the table every year, constitutionally entrenched, to have a meeting on the Constitution every year. An agenda will obviously fill itself up.

One of the things that I have committed myself to publicly, and will again, is to bring up aboriginal rights and the question of aboriginal self-government. It is not in the Meech, but I can tell members it is easier to get aboriginal self-government under Meech than it is before.

**Mr. B. Rae:** You don't have to do anything about it.

**Hon. Mr. Peterson:** Just a minute. I think you are being too—

**Mr. B. Rae:** I am sorry. You are saying on the one hand that you are a great advocate, but the one issue in your own backyard you are blowing it right out of the—



**Hon. Mr. Peterson:** Oh, you are full of it.

**Mr. B. Rae:** I am not.

**Hon. Mr. Peterson:** Just give me a break, will you?

**Mr. B. Rae:** No; I am sorry.

**Hon. Mr. Peterson:** I just think you are wrong. You bleed on all sides of every issue and you have not given one constructive idea on it. Can I discuss this matter with the leader of the third party?

As members know, the general amending formula was not touched; it was only section 43 and certain institutional reforms, so what we need to get for aboriginal self-government is seven out of 10. It is only nine now. We will never get it without Quebec. I believe that without Quebec being in the Constitution, we will not see it unless there are changes of government that are more sensitive to these matters in other provinces. We know who was on what side of that debate. The position taken by Saskatchewan, Alberta and British Columbia on these matters was quite obvious.

I do not believe that in any way it has impaired their capacity. I think it has enhanced their capacity to bring about native self-government when we get seven out of 10 as opposed to seven out of nine. That is one issue.

Then the question is, is there a magic compromise in there? Is there some way this can be tied with a companion resolution in that first meeting to say, "Well, if you do this, we will do this automatically as well and do them all at the same time"? I do not know the answer to that. People are searching for answers. The question is, what would they be?

Some of the reservations on Meech vary. Some people feel that women should be included in the "distinct society" clause. Some are very disturbed about the lack of the charter override on the "distinct society" clause, which was a philosophical leap forward. Others are concerned about other things—the multicultural communities.

Ontario fought for and got, in Meech Lake, special protection for natives. There is no diminution of aboriginal rights or multicultural rights. If Ontario had not been there, they would not have had those special protections. Some people read that and say, "Well, women's rights are diminished," but I think one can push that legally and say—the best paper written on this whole matter, by the way, is the paper by the Attorney General on Meech—that there has been no diminution of women's rights any more than there has been of men's rights. But with any

Constitution or with any legal document you can get two different lawyers interpreting the same thing two different ways.

The question is, how can we bring everybody together? Certain leaders who have power at the moment have changed their minds, as in Manitoba, and there is some other opposition in other parties; but it does not matter particularly, because those resolutions are already through the legislatures. They argue that a combination of free trade and Meech Lake will somehow highly decentralize this country and put it under new stresses and pressures, and that was central to the justification of doing it.

There is a lot of pent-up, shall we say, angst, not so much in the Conservative Party, I think, but in the New Democratic Party and in the Liberal Party across the nation. There are various different points of view about this thing, and for some, it was an excuse to reopen the issue.

I am not sure if I am answering the member's question, because I feel very strongly about this, but I really believe that we would be making a mistake.

The member quoted Premier Bourassa, and I think we have to understand that a Constitution is a legal document, but it is all a political document. Good Lord, everybody knows there was a lot of political compromise in the patriation in 1982. When you talk about decentralization of government or devolving power away from government, nothing in the history of this country ever took more power out of legislatures' hands and put it in the court's hands than our Charter of Rights.

We are still dealing with that on almost a daily basis around here. That stripped a lot of us and a lot of legislatures of power, as the member and I know, and it is affecting almost every decision we make around here. Every statute we pass can be challenged under the charter. It is a whole new round for lawyers and for litigation, and there are dramatic changes in our society now. If you believe in equality, when you push it to the logical legal limit, it is discomfiting for those who were more equal than others when the whole thing started, as my honourable friend knows. But that is history. I do not think that Meech in any way devolves power or decentralizes any more than the charter does.

On whether we can put together some companion resolutions, I am frankly not optimistic. I do not rule it out. I have had discussions with a number of my colleagues. The problem is, what can Quebec accept?



We went through the referendum debate, all of us, and one of the great debates in the history of this Legislature was the referendum debate. We all talked about what made this country, and I remember that with great fondness, and we were all asking the question, what does Quebec want?

Ever since this quiet revolution, *la Révolution tranquille* in the early 1960s, "What does Quebec want? What are all those guys causing all this trouble about down there?" we would ask. Then the Liberal Party came back with this document, *Maîtriser l'avenir*, and it went through their Liberal Party. It went through an electorate. Mr. Bourassa was elected and—we are lucky, coming after a separatist government—prepared to rejoin Confederation or become a full partner, saying, "Here's what Quebec does want," five things. We thought, they have all been politically vetted, they are all there for everybody to see and people said, "Is it reasonable or unreasonable?"

We went through a number of discussions, but what it did in many ways was just enshrine existing practice in the Constitution, like three civil lawyers as opposed to six common lawyers and that kind of thing in the Supreme Court and consultation in national programs in areas of exclusive provincial jurisdiction—those kinds of things.

I think it was reasonable. I think it is extremely important to have Quebec as a full participating member and feeling like a full participating member of Confederation. So we ask ourselves, what happens if, for some reason, English Canada turns it down—not Ontario but some other province somewhere? What happens then?

What would you do if you were Premier of Quebec? What would you do if you were a separatist Leader of the Opposition in Quebec, such as Mr. Parizeau? How would you handle that in the next campaign that is coming up in the not-too-distant future? It lets the imagination spin, does it not? I think it would be hard to get them back to the table.

I want to say something else. There was heroic leadership shown by people like Donald Getty on this matter. Don Getty had to put a lot of water in his wine, because all the pressure on him was on Senate reform, as members know, and we have agreed to discuss that issue and fisheries and a number of others. He came back to Alberta and people said: "Why didn't you get a Senate reform at the same time? Why are you going just with the Quebec issue?"

We all water down a little bit. If I had been drawing that agreement, I would have changed it a little bit, and I think, frankly, if they had taken

some of our advice in those meetings, we would have fewer problems than we have today and it still would have been acceptable, but that's life, right? You do the best you can and you make the best decisions you can.

#### 1700

But if it starts getting tampered with, it seems to me that Mr. Bourassa would have a very difficult time. Other premiers would say what they are going to open up: "To get this, you have to get that back on." Whether we can cobble together some companion agreements to at least discuss them at the same time, I do not know. If my honourable friend has any advice for me in this matter or any suggestion of who could live with what, I would be most interested.

The problem with this document, as members know, is that there are two premiers in two legislatures in question who were not signatories to that, who did not, shall we say, have the same feeling that they were morally obliged or even politically obliged to do so. I understand that. But what we are hoping is that we can persuade them—it is not so much a question of Premier Filmon, but certainly it is Mr. Doer in that province—that it is very much in the national interest to do this, and then get on with the next agenda on Senate reform, fisheries, aboriginal self-government and a whole bunch of other things along the way. Keep it and recognize it as it is, as an organic document to reconcile the needs of an expanding country and a dynamic country that does have regions but that at the same time has such a thing as a soul known as Canada Inc.

I hope we can. I am not optimistic about that but I do not dismiss it. Certainly I would be very happy to do whatever I could in those discussions, but I do not see the light now. That does not mean I am a total pessimist, but I do not see the light. If my honourable friend had any ideas on how to do that or how we could use our influence in this Legislature—

By the way, may I say that the committee hearings of this Legislature and the report were universally heralded in the other provinces by people who did have problems. It was a good process here. There were good, thoughtful contributions from people here. The committee report was read and, I think, helped a number of people in other provinces who had some difficulties with certain sections of things. In that sense we are contributing to national unity, and I hope we can continue.

**Mr. Brandt:** I would like just to pursue that with respect to the possibility of employing the



companion resolution as perhaps a means of bringing the other partners who are not convinced of the evolutionary aspects of the current document—not convinced that the imperfection, if you will, of the current document is one that can in fact be changed at some future point.

Recognizing—and I am not engaging in a partisan debate when I make these comments—that the two major dissidents are the leader of the official opposition in Manitoba and the Premier of New Brunswick, both members of the Premier's own party, is it not possible for the Premier to use his good offices in terms of talking about the way in which that future agenda may incorporate the concerns that both of those individuals have expressed? If the Premier is looking for a constructive suggestion, it may be one that he has already exercised and one that he may have already pursued.

But I would think that were our roles reversed, and if I did have a colleague in another province with the kind of difficulty that I think is very real in their minds—and I do not underestimate the importance of how strongly they feel on this particular issue—one of the beliefs, at least, that I have with respect to their position is that they do not see the possible future amendment of Meech Lake incorporating some of the concerns that they are obviously expressing at this point in time.

I ask the question of the Premier: Is he prepared to have discussions—I know he has talked to them in the past—with them in connection with some future guarantee that perhaps the Premier, the Prime Minister and the other premiers can put together that may allay some of their fears, set them aside or at least give them some hope that their concerns will be addressed at the first meeting, which, as the Premier has already indicated, is entrenched on an annual basis and must be held?

The agenda for those particular meetings has not been precisely drafted yet. That concerns some members of my party who feel that there are issues like the override provisions of the charter and what the implications of that might be with respect to its application to Meech Lake. Some of those issues, I truly believe there is not a great deal of misunderstanding on, or perhaps even objection to. But it appears that the apprehension, if you will, on the part of some who are in opposition to Meech Lake at the moment is simply about the unknown future and how that is going to unfold at that meeting. Perhaps the Premier has some thoughts as to how that might work or whether he could make those

contacts and use his good offices to try to be the binding force that puts this whole process together.

**Hon. Mr. Peterson:** I appreciate my honourable friend's advice because it is constructive. I say to him that I have tried and I will not give up trying. I do not know Mr. Doer. I have never had an opportunity to chat with him. Perhaps the Leader of the Opposition may have an opportunity as his party has discussions and others do as well.

I have talked to Premier McKenna on innumerable occasions and will continue to do so. Let me say that I have the highest respect for him. He is a man of great integrity who thinks out issues on his own, as he did on free trade. Lord knows, I gave him advice on free trade too, and he did not take it, so who knows about—

**Mr. Brandt:** He was wise on that one.

**Hon. Mr. Peterson:** What are you saying? He is half smart? I will send him a copy of Hansard.

He came into office committed to neither. He was not elected on that basis. He came in and he examined free trade and came to a completely independent conclusion. I disagreed with it, but I do not believe there was anything untoward in the back rooms that brought that decision about, as accusations have been made.

He is doing the same thing on Meech Lake. He is having public hearings now to listen to his community, particularly to the large Acadian group. There will be ongoing discussions. He will have to make a decision in the context of his view of his responsibilities to the nation as well as being the provincial Premier.

Certainly I have given him the benefit of my advice, which so far he has not taken very seriously, but I will continue to do so. If we can cobble together a further agenda—there are various different things people talk about, such as committing to discuss an agenda, which is not satisfying for some. Some say you have to pass another resolution at the very same time.

But let me just give an example. The Charter override on the "distinct society" clause is a substantive matter; it is not just a semantic problem. I know there are different perceptions on these things, but I am not sure that Quebec could buy that situation. We had those discussions before.

Whether we can do this or not is up in the air. We are searching for light. We are searching for ways to work together on this matter. We will continue to do it. As I have said, I think this has proved to be a debate that is beyond partisanship. It is a debate for Canadians. There is lots of

dissent on the matter. I guess we have to wait and see. I hope it will evolve in a favourable way.

The other question concerns the federal Liberal Party and its future and how it is going to handle this issue as well. I hope it stays resolute on this matter, because I think it could be a serious mistake. That is all I can help my friend with at the moment.

**Mr. Brandt:** I wanted to get into some of the substantive issues surrounding the matter of free trade, but not get into the detail of the many discussions we have had in this House in the past. As a result of the decision of the people of this country, we have now moved to a new stage of the entire matter. What I did want to discuss with the Premier, however, was the de Grandpré commission and contacts that the province of Ontario has had with that commission over the course of the approximately one year since it was set up.

I wonder if the Premier could enlighten this House as to what Ontario's position is relative to the de Grandpré commission. I ask that because the Premier has stated that this is—and I believe I am quoting him correctly—number one on the policy agenda in terms of the free trade issue, and part of the way in which some of those very difficult decisions with respect to job relocations and adjustments that will occur are going to be dealt with is by de Grandpré in terms of his report and his advice to the federal government, and also to the provinces in their interrelationship with the federal government. I wonder if the Premier could bring us up to date on what has been happening in that respect and how those discussions have been going from his perspective at this time.

1710

**Hon. Mr. Peterson:** We have appointed the Deputy Minister of Labour, Glenn Thompson, to be our contact with Mr. de Grandpré. One member of the de Grandpré commission is Ms. Jalynn Bennett, known well to my honourable friend opposite, I am sure. She has been very active with his party for a long period of time and she is highly respected. I think she is vice-president of Manufacturers Life and she is one of the independent commissioners.

I think she was to contact us, and we have sent a number of reports and a number of our studies to the de Grandpré commission. To the best of my knowledge, we have had nothing back from de Grandpré. I am asking the deputy now if he is aware; I am not aware of anything back. The sense was that during the election, they could not bring forward de Grandpré because it would be

admitting that there will be jobs lost. It was in a political context. The member and I both understand that.

The member will recall that when free trade came in, Mr. Bouchard said it would cost 500,000 jobs and he was shut up the next day, because you cannot go around saying things like that. Then the next thing was: "What are you going to do for all the unemployed workers?" They said, "We're going to be very generous and help them," and they were shut up the next day. Mike Wilson said, "There'll be no help for anybody."

It is politics and I understand it, but those are the facts. As the political discussion unfolded, de Grandpré could not come forward and say, "It's going to dislocate so many workers and here is the money to do it," because obviously the opponents, like me, would jump up and say, "There's proof of exactly what we're saying." The member understands that and I understand it.

Now it is through or will be through in the not-too-distant future, and the question is: What are we going to do as a nation to help those dislocations? Let me be fair. There are lots of dislocations going on, anyway. Who knows how much of a factor it was in Gillette? Who knows if it was a factor in the Northern Telecom closing out, 240 jobs in Belleville two days ago, as my honourable friend will be aware.

There may be some who say, "Look, I'm going to invest because of it," and others who say, "I'm going to leave because of it." The member and I will never be party to all the decisions made in the boardroom if they pull back a particular factory from a particular place. It is some boardroom in the United States, and they will never say it is because of free trade, even though they put the factory back in the States and ship over the border.

It is going to exacerbate some of the adjustments. We know that and we have a fairly good handle on where our most vulnerable industries are. What we are saying to the federal government, which we have said through Mr. Thompson, and we have given them all our studies to substantiate this, is: "Look, we have to make job training and adjustment the priority to deal with this, to seize whatever advantages there are under free trade, if there are any. Anyway, in a multilateral trading world, we have to have a trained, flexible, entrepreneurial workforce."

We are in the process of trying to get the federal government to take its responsibility. If you put that in the context of what has happened, when the federal government has been cutting,



cutting, cutting in terms of provincial transfers, I am extremely worried. They have cut our job training money something like 27 per cent in the last three years. They have capped us now on apprenticeship. They are bringing a whole bunch of federal offloading on to the provincial government. In a sense, they are abandoning their traditional responsibility and saying, "You, the province, pick it all up."

That is very disturbing to us because we say: "Let's use de Grandpré constructively. He's researched the matter across the country now. He has the benefit of all of our advice. We need programs of training and adjustment for our workforce." That has been handled by Mr. Thompson, as I said. They have all our studies and all that kind of thing. To the best of my knowledge, they have not come and said, "What do you think about this, that or the other thing?" They have never asked for a personal opinion from me or anybody like that. They have just been dealing on their own.

**Mr. Brandt:** Although I did not want to, I am prepared to get into a defence of free trade. I wanted to talk about the mechanics post-free trade and the signing of the deal, because the Premier and I are not going to agree on that. It is over, and I do not want to waste the time of this House during the limited time we have during these estimates to get into that again.

What I am concerned about, however, is that the reality of the trade deal is upon us. The de Grandpré commission is set up to assist with some adjustments. The Premier himself has indicated that there will be adjustments, and I agree with him on this point, with or without free trade.

I mention just in passing, because he mentioned some closings, that yesterday Dupont Canada Inc. announced a major multimillion-dollar expansion in my riding directly related to free trade. Canada Thermos indicated that its expansion in Ontario directly related to free trade. In the Premier's own municipality of London, General Motors received a very significant increase in business as a result of Chicago's operations being shut down and moved to London.

**Hon. Mr. Peterson:** It had nothing to do with free trade. The factory was going to close down. They had to buy them off.

**Mr. Brandt:** The fact of the matter is the operations were moved from the United States to London, Ontario. The fact is that a Windsor firm just yesterday announced that it was getting a very significant increase in work, again as a

direct result of the deal. This will go on for years. The Premier knows it and I know it.

But the Premier and I and the Leader of the Opposition and this Legislature also have a responsibility to make sure that either under free trade or for some other unrelated reason, world competition or whatever, we provide programs. We have a responsibility as a province to assist in those difficult readjustments, those difficult relocations, for whatever reason.

My understanding is that the Premier has publicly called for an immediate meeting in order to start the discussion on these particular matters. It is also my understanding that he has been invited, at a much earlier date, to begin these discussions to prepare for whatever these relocations might happen to be in future. He was less than positive in terms of his response prior to the election and now he has called for an immediate meeting following the election, now that the die has been cast. I am not casting aspersions on why that happened. I am just saying that those are the comments I am hearing.

The point I want to make is, has the Premier made direct contact with the Prime Minister, indicating what the position of Ontario is with respect to the de Grandpré commission and with respect to our co-operation as a province relative to the next difficult, complicated steps that we have to take in co-operation with the federal government?

**Hon. Mr. Peterson:** When the premiers met last summer, we issued a communiqué—all 10 of us—indicating some frustration because nothing had been forthcoming from Mr. de Grandpré to any province. The Prime Minister has never discussed this issue with me or any other first minister, at least in my presence, at a first ministers' meeting. He may have made private phone calls, but not that I am aware of. There has never been any discussion. He has said, "I will be generous and we are going to help these people." But where is it, what, how, when? We have never seen anything of that.

I have never been asked for a meeting by Mr. de Grandpré. I do not know if he has done anything in the province or not, but certainly we have not seen any of it. We sent him all the things that we think are important.

What I said is, "Look, I accept the results of the last election." The fact that I do not like it is a matter of historical record, but there is nothing I can do about it now. We will leave that.

**Mr. Brandt:** I know the feeling.

**Hon. Mr. Peterson:** Well, we have to get on with it and I accept that. I am not going to

rethrash old straw. The question is, how do we cushion ourselves against any problems and take advantage of any advantages in the situation? But we have not seen anything.

What I said we should do was agreed to by Premier Bourassa and some of the Maritime premiers discussing these same issues, because they have a lot of the same vulnerabilities that we have, in various different forms and various different complexions. What I believe we should do is have a brief first ministers' meeting before the end of the year, and I have not heard back from the Prime Minister.

The member asked me if I asked the Prime Minister. If the Prime Minister called a meeting, I would be very happy to explain it to him. I have not heard back. I thought we should have had a brief meeting for an hour or two and decided on a work agenda, assigned to the various ministers a work program to report back to the first ministers' meeting that is going to be scheduled some time presumably early in the new year, some time in February, March or April. We were supposed to have one November 27, but it was cancelled because of the election.

I think we should proceed on that. I think what we have to do is summon, shall we say, the national will to address this as the first priority item. Obviously we have a whole array of programs in Ontario, a whole bunch of them, and we continue to use them and work with industries that are in distress, but there is also a financial bill that will be attached to this. I think the federal government has to take its responsibility, because it promised it would. So far we have not seen it.

1720

**Mr. Brandt:** The de Grandpré commission was established with the specific purpose of developing responsive programs in concert with the various provincial partners and the federal government. The input it is getting from Ontario relative to the way in which these particular programs are developed is very much a joint and shared responsibility. It has not put all that together yet and it is looking for input from the province so it can determine the direction it is going to be going in and what the needs are, based on existing provincial programs and, ostensibly, existing federal programs.

The de Grandpré commission, as I understand it, over a period of time has been asking for information from Ontario. Have we been co-operating and sharing that information to provide it with the necessary foundation to develop its case, which will ultimately go to the Prime

Minister for his approval as part of the policy that will be developed for the entire country?

**Hon. Mr. Peterson:** The answer is yes, we have been. I have never been asked for a personal meeting with Mr. de Grandpré. I am not sure if anybody else has. Ms. Bennett was dispatched to do some of this. I am not sure if there were meetings or not.

The answer is yes. We have sent them all of our work, because we have done a great number of studies on free trade, as my honourable friend knows, on where the vulnerabilities are and what we can do about them. We are looking for some immediate action on this matter.

Then you hear various rumours. The other premiers are as frustrated as I am. Quebec is having the same problems we are with de Grandpré. We are not seeing anything. Then I hear on the other hand, "The report is done but it is not filed yet." Who knows? Because they could not bring it out during the election? Honestly, none of us knows where the thing is or what the time lines are.

I would love to get a straight answer on this one. If the member knows anything I do not know, I would be delighted if he would tell me. Let us reverse questions here. Where is that report? Why is the member hiding it?

**Mr. Brandt:** If the Premier wants to change places I will move over there. The point I want to raise is simply this: If he is indicating that the co-operation has been forthcoming from the province, then I do not mind using whatever limited influence I might have with respect to our federal colleagues in connection with what I believe is a very real concern; that is, to develop the next stage of this entire free trade debate to the point where we start putting those programs in place.

I am sure the Minister of Skills Development (Mr. Curling) has the same kinds of concerns. He is sitting behind the Premier and occasionally has an apprehensive look on his face when I start talking about skills training, job relocation and all those problems.

The information I have been receiving relative to provincial co-operation—and, I might add, not backroom, late-night-telephone-call kind of information, but from individuals in a nonpartisan way—is that up until the time of the election—and I recognize the Premier's position on—

**Mr. Ferraro:** Do you think this is question period?

**Mr. Brandt:** What is that?

**Mr. Ferraro:** Why don't you ask this in question period?



**Mr. Brandt:** I am trying to be reasonable, because I am trying to move this province and hopefully this country to the next stage of what I believe can be a very positive step.

The information I have received is that the co-operation has not been as forthcoming and as positive as it could have been. If the Premier indicates to me that is not the case, that he has been totally co-operative with the de Grandpré commission up to this point with all the information it has requested to the best of his ability, then I rest my case. Then the concern is really at the federal end, and in great part the Premier has already articulated his position that he is frustrated because they have not responded more quickly. If he is saying that is the case, I will take him at his word.

**Hon. Mr. Peterson:** To the best of my knowledge, Mr. Glenn Thompson has been putting all these things forward. Frequently, we run into failures to communicate.

Let's put all the past behind us. We had a difference of opinion on the federal election, it is there, and now we have to get on with the economic agenda.

I agree with the member. I am prepared to sit down with Mr. de Grandpré or any of his emissaries at any time. Honestly, though, the other provinces' frustrations are similar to mine.

I think we should get on with that agenda item. We have to see how we can plan and co-ordinate—we have a training system second to none in the world—how we can make sure we are doing things that are innovative and correct and how we can help those people who are under pressure.

Let's get on with the new agenda. There is a time in life and in politics to let bygones be bygones. We can all sit there and say, "I told you so, I told you so" but it is not very productive. As a matter of fact, it is a rather pathetic human and political response, it seems to me. What we have to do is just get on with these new programs. Certainly we stand prepared to sit down with them and show them some of our frustrations, share our programs, and they can go on.

**Mr. B. Rae:** I would like to get in on this discussion. There is obviously going to be a battle about who pays, and the battle is not only between levels of government, between the federal and the provincial government, in which the Premier has already begun the ritualistic attack on the Mulroney government for not paying for certain things, and I am sure that will continue. It is precisely what we expect from him and from people in his position.

I wonder if the Premier would not also agree that there is another question as to who pays in the relationship between business and employees in this province. That question essentially has to be settled by him. He has to determine, because his level of government has the responsibility to make that determination, by and large.

Sure, tax questions are going to be settled partly at the national level, but issues with respect to, for example, what happens to pensions, what happens to severance pay, what happens on notice, what happens on plant shutdown, what happens on justification, what happens in all these areas, are covered essentially by provincial law and provincial jurisdiction.

I wonder if the Premier can tell us if any of the proposals which he has made to Mr. de Grandpré, which he has not shared with any of us—at least, I have not seen any of them—include any areas of provincial action and provincial jurisdiction where he specifically says, "We're prepared to act in this area in order to make sure that working people and governments don't end up carrying the whole candle for the costs of this change."

If we do not do that, the clear implication is that working people will bear the exclusive brunt, and then the political battle will be seen or portrayed in the media as one between one group of taxpayers versus another group of taxpayers, one level of government versus another, when there really is another social question here, which is: What exactly is capital going to pay, what is business going to pay, in order to make sure that employees alone do not bear the whole brunt of the discussion?

Is the Premier prepared to share with us all the documents that he has submitted to Mr. de Grandpré for that purpose?

**Hon. Mr. Peterson:** I do not know of anything that is proprietary in that regard. I can make some inquiries into it and share that information. I do not think there is anything especially unique about it, so I will look into that.

**Mr. Chairman:** Any more questions and comments? If not, are the members ready to proceed with—

**Mr. Brandt:** It is just a question of who's going to go next.

**An hon. member:** A tag team.

**Mr. Brandt:** No, no, we were sharing time. It is a little different from a tag team.

**Mr. Chairman:** Will it be somebody from the blue corner or the green corner?

**Mr. Brandt:** I wanted to inquire of the Premier as to some of the numbers relating to the function of his office. These are estimates and we have been dealing with some of the more philosophical issues, but I thought since he has his large staff with him, people whom I have great respect for, I should put them to work in connection with some of the numbers that we in fact discussed very briefly earlier today.

My understanding is that, based on a comparison between the 1984-85 estimates related to the operation of the Premier's office and those of 1988-89, the cost of the Premier's office is down 23.2 per cent and the Cabinet Office is up 247 per cent in that same period of time. That would lead one to believe that there has been some fundamental restructuring that has taken place in the Premier's office and the Cabinet Office relative to how the numbers are placed on the various lines.

Using the same years, my figures would indicate to me that in 1984-85, combining the totals—because I had great difficulty separating them, since the way in which the numbers can be compared has changed—combining them, if I might, for the moment, because they essentially then carry all of the functions, I show a \$4,366,000 operational cost for the Premier's office and the Cabinet Office in 1984-85, increasing by \$3,190,000—I am rounding off the numbers—to a total of \$7,557,000 in 1988-89, or an increase of 73 per cent.

Could the Premier perhaps enlighten us as to the appropriateness of those figures and whether they are in fact correct? If they are not, could he give me his corrected version of the figures?

1730

**Hon. Mr. Peterson:** I think I have the figures here, and if I do not, these very thoughtful people who work with me and who are being paid to assist me in answering these questions will have them. I notice my honourable friend does not think I should have that kind of help, because I know he personally does not need the kind of help I do in this regard. It speaks to his much greater capacity than mine.

I was interested when my friend sort of assisted us as we were doing a trade mission to Japan, then turned around and said, "There are too many people on this trip."

**Mr. Brandt:** I did not say that.

**Hon. Mr. Peterson:** As I recall, it was something like that. Anyway, I enjoyed him regardless. He was a lot more fun than a lot of the other people. I just want him to know I was happy to have him.

**Mr. Brandt:** As a matter of fact, I was disappointed the Leader of the Opposition was not there.

**Hon. Mr. Peterson:** Oh, he was in China. We were delighted to have the member, because he adds a lot, let me tell him.

Let me look at my figures here. He is quite right. There were some shifts back and forth between the Premier's office and the Cabinet Office. That includes the House leader's office as well, as the member knows.

From 1985-86 to 1988-89, they have gone up in those terms some \$1,434,000, but at the same time we took the policy secretariat functions into the Cabinet Office. That was work that was previously in other things. If you factor that in and take out inflation, there is a net saving in that regard. We are doing the same functions the member's government did in a reorganized structure, I think probably cheaper than before.

**Mr. Brandt:** No, no.

**Hon. Mr. Peterson:** Well, factor inflation in. I say to my friend that he has to be very careful when he wants to use these numbers to look at the functions that are being achieved in these various areas. There is a program for office automation, but that is in his office as well. I think if he looks at those figures he will see that it is not out of line and is quite reasonable, given the work that is assigned to it. It is a different workload than it used to be. It is not out of line at all.

**Mr. Brandt:** The Premier used a different comparison in terms of years than I had asked for. If he does not have the figures with him, I am not going to press for them today. He could perhaps provide them at another time, but I used 1984-85 as my base point when I indicated there was a 72 per cent increase in those two functions. He used 1985-86, so there is a slipped year there. If he can correct that, fine.

**Hon. Mr. Peterson:** I think in 1984 it is \$4,253,243 to \$6,527,157, for an increase of \$2,273,914. When we subtract out all those other functions, we are saving \$1 million a year. It is not a big problem.

**Mr. Brandt:** Could we tackle this from a different angle, because he has changed the numbers—interesting—to perhaps reflect a method of operation that was somewhat different than was the case previously. I do not fault him for that, but I do ask the question in regard to the total number of personnel in those offices today as opposed to the 1984-85 period. I wonder if he could share the number of personnel with us?



**Hon. Mr. Peterson:** They are up seven, I believe.

**Mr. Brandt:** In whose office? His?

**Hon. Mr. Peterson:** Just a minute. I have it right here. These guys are worth the money, let me tell the member.

The Premier's office in 1984-85 had 37. In 1987-88, it has 36; we are down one. For Cabinet Office, with the correspondence unit, the main office has gone from 40 to 46. Executive resource has gone from zero to two; that is a new function that has been added to the personnel function. The House leader has gone from three to two. The subtotal is 43 versus 50. The correspondence unit has gone from 27 to 28 and our volume of mail is up two thirds. There is two thirds more mail now than we used to get, with one more person. Most of it is complimentary, I want my honourable friend to know.

The total Cabinet Office, with that new co-ordinating function as well for all the secretariats they used to have—remember they used to use the secretariats? The member probably never was a secretary of a policy area—

**Mr. Brandt:** No, I never was.

**Hon. Mr. Peterson:** —because he was too important for that. We have gone from 107 in 1984-85 to 114 in 1987-88.

**Mr. B. Rae:** How many were in the secretariat?

**Hon. Mr. Peterson:** A whole raft of them, millions.

**Mr. Brandt:** Could the Premier perhaps share with us on another item, a line item within his budget. I do not pick this out frivolously; I pick it out because it shows a rather staggering increase. The line on spending for transportation and communication was up very substantially. That is comparing the 1985-86 period to today. I show an increase from \$44,000—again, rounding off the number—to about \$165,000 or about a four-times increase. Did something unusual happen to the taxpayers' money during that period of time?

**Hon. Mr. Peterson:** Are those travelling expenditures the member is referring to?

**Mr. Brandt:** Transportation and communication.

**Mr. B. Rae:** You paid for that plane to Detroit, did you not?

**Hon. Mr. Peterson:** Was he on that plane to Detroit?

**Mr. Brandt:** Yes, I want to state publicly that I was.

**Hon. Mr. Peterson:** What charter rates did you pay the government for that plane when you took it?

**Mr. Brandt:** I have no idea. I was there at the request of the Premier when my Premier asked me to attend. I was there to launch a new Ontario Provincial Police boat in the city of Windsor, which was done. We were on official business at that particular time.

**Hon. Mr. Peterson:** I consider myself your Premier now. Would you do what I say?

**Mr. Brandt:** If you were the Premier of my party, yes, I would, but you are not so I will not.

**Hon. Mr. Peterson:** Do you not have any respect for the institution? You have to look at that stuff.

He asked about my travelling expenses.

**Mr. Brandt:** Transportation and communication; I believe it was up 271.4 per cent.

**Hon. Mr. Peterson:** I am looking at my own expenditures for travel and they were about \$8,000 this year.

**Mr. Brandt:** What are you taking, a bicycle? Don't tell me that.

**Hon. Mr. Peterson:** Things like the use of government aircraft. They are substantially lower than with Mr. Davis and Mr. Miller. I am not a big traveller. One of the things I do appreciate is that the member stood in this House a week or two ago and said I should travel more. I do not know whether he dislikes me personally, whether he wants to get rid of me or whether he thinks I can be of some use around the world, but I am going to remember that.

I have that little piece of Hansard. I have it framed and it is going to hang in my office. Every time the member comes to my office, I am going to show it to him, that Peterson should travel more. I appreciate his advice in that regard.

Here is what my note says. I have no idea if it makes sense. "The large differences are due to the fact that too little was allocated in the estimates to transportation and communication expenses and too much to expense for services. A comparison with the previous year's actual expenditures in these two categories clearly illustrates this point quite clearly. Transportation and communications, actual 1986-87 was \$226,000, expenditures were \$221,000, for a decrease of \$4,400 or two per cent; for services, \$147,000, expenditure was actually \$126,000, down \$20,000 or 13.8 per cent. Therefore, actual costs for transportation and communication and services were both lower in 1987-88 compared to 1986-87."

How is that?

**Mr. Brandt:** I do not think the Premier knows what he said.

**Hon. Mr. Peterson:** Let me ask the member this. I have the paper. What did I say? I will give him a test. I read it. Now, if he is so smart and has such a receptive capacity, what did I say?

**Mr. Brandt:** He said it went down and I am telling him it went up.

**Hon. Mr. Peterson:** I am just showing him. I have all the figures right here to prove it.

**Mr. Brandt:** If I might—

**Hon. Mr. Peterson:** Just a minute.

**Mr. Brandt:** I am trying to help.

**Hon. Mr. Peterson:** Let me help him out.

Office of the Premier, 1984-85: transportation and communication total in the Office of the Premier was \$306,185. In 1987-88 it was \$221,000, down about \$90,000. There you go. Is he not glad he asked?

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**Mr. Brandt:** I asked the question because either there has been a fundamental change in the accounting system or there were some unusual expenses associated with either communications or travel. I am not asking for a detailed itinerary of whether the Premier took a bicycle, a car, an airplane or a space shuttle. All I want to know is why there is a 270-odd per cent increase in those particular years.

I will give him the years once again. In 1985-86, the salary and benefits bill in the Cabinet Office has increased by 34 per cent, and spending on transportation and communications is up 271 per cent, from \$44,000 and change to \$165,000. They do not match with his figures. He provides me with these figures; I am taking the figures from his documents. It is a very significant increase. That is the only point I want to make. I wondered why.

**Hon. Mr. Peterson:** Just a minute: A \$103,000 increase in transportation and communication due to telephone equipment, telecommunications costs attributed to transfers, correspondence unit—here is the answer: The correspondence unit was transferred from the Office of the Premier to the Cabinet Office. It was electronic equipment attached thereto. I did not take a limousine to Paris and around France. There you go.

**Mr. Brandt:** Is the Premier not now glad I asked the question so he could clarify what it was he did with the money, because up until now he did not know, until Mr. Carman provided him

with the advice on what it was that money was spent on?

**Hon. Mr. Peterson:** Would the member not stand in this House and say Bob Carman is worth every single penny we pay him?

**Mr. Brandt:** I do not know what Bob Carman makes, which is my next question.

**Mr. Rae:** The Premier won't tell us what he makes.

**Hon. Mr. Peterson:** That is right. What I want is a leap of faith to say that this guy is doing a great job.

**Mr. Brandt:** While we are on that question and while we have some of the senior civil servants with us today, he has in fact changed the method by which salaries are disclosed. He is the one who indicated he was going to bring in a government with no walls and no barriers, yet now we have salaries clustered in categories with no way of knowing what senior civil servants earn what amounts of money.

We do know that the range is now up to \$131,500, which is a very substantial income if there are those being paid that amount. I am sure they would be because that is the upper range. But now we have ranges as opposed to specific amounts.

It was somewhat uncomfortable for some in the past, including some members of this assembly, whose salaries were very clearly published. Since it is the taxpayers' money that pays for those salaries, why has he changed it? He did this without any notification, without any indication to the House that there were going to be some fundamental changes in this respect. Why was that done and what is the big secret?

**Hon. Mr. Peterson:** I say to my honourable friend that the facts are not correct. It is all in the Freedom of Information and Protection of Privacy Act and it was made public. As a matter of fact, a letter went forward from Robert F. Nixon, Treasurer of Ontario, to Mr. Ed Philip—the member knows him well—on February 18 saying:

"The freedom of information and protection of individual privacy act, passed into law on January of this year, clearly establishes the individual's right to privacy of salary information. Consequently, we cannot continue to publish individual salary information in volume 3 of the Public Accounts."

It was part of an act that I think the member supported. So it was there. It is protected in the freedom of information act and that is an act I am



sure he studied carefully and supported in the House.

There is another reason. We have changed the way we deal with deputies in this government. We have put them in various ranges. Each one is on a performance contract. We sit down every year with each deputy—this is a new system; there is no question about it—to say to each deputy: “Here is what we want to do. Here are our goals, hopes and aspirations. Here are the kinds of things we want from you in your ministry with respect to advancing these programs in such and such a way.”

There is performance in hiring minorities and in promoting women. There is how they are advancing francophone rights and all the kind of things we expect out of a senior manager. We make a contract and then we judge them at the end of the year as to how they have performed. If they are good, they get more and if they do not hit it, they get less. We rank deputies because they do not all make the same.

It is a management tool. They get paid for performance. We think it is a more effective management tool not to have this just, shall we say, gossiped about. So we give the ranges; we do not give the specifics. We think we accomplish more, from a management point of view, by doing that.

The member asked about the ranges and how we came up with the system. We had an independent system headed by Allen Lambert who came up with this program. We compared our deputies’ salaries vis-à-vis—we have had a substantial number of changes in the public service, as my honourable friend will know. Compared to the federal level, ours have been very substantially below the federal level. We have a range of salaries now that we think address the fact that these are responsible senior managers and address performance. I like the system.

I understand the objection my honourable friend has. It would be nice to have on paper how much Bob Carman makes, but I will tell the member something. The performance pay system we are bringing in, which applies to a whole range, we think is a more effective way to manage an organization like the Ontario public service.

**Mr. Brandt:** I am going to move to some other items, but I do not necessarily have to do them at this point. I will defer to the Leader of the Opposition if he wants to go now. Otherwise, I will continue on. It is up to him.

**Mr. B. Rae:** Go ahead.

**Mr. Brandt:** I want to raise some questions with the Premier in connection with a number of programs—we will not be able to get into all of them today—the government committed itself to. It has not at this point in time indicated what it is going to do in terms of fulfilling some of its commitments that have been made in the past.

I would like to start, if I can, with an environmental program that I know is of concern to the critic in our party, the member for Mississauga South (Mrs. Marland). It is a program we have raised in the past. There does not seem to be any indication whether the government is going to proceed with it or whether it is going to allow the program to die. It is the \$30 million the government committed to a form of superfund, a fund that was supposed to be put in place with the specific intent of cleaning up some of the old landfill sites that are in various locations across this province.

I want the Premier to know that our party agrees with that expenditure. We feel that there are, as I recall—I am going by memory now—something like 400 sites that have been specifically identified as being problem sites, out of perhaps 4,000 landfill locations across the province. Now that the Premier has had an opportunity to hear from the staff where that program stands, perhaps he can answer the question of what is going to happen.

**Hon. Mr. Peterson:** I know more about this than they do. I was telling them what to write down to hand back to me, just to make them feel good.

The member will recall that the Minister of the Environment has been calling for a federal-provincial fund in this area and there were some indications that would be forthcoming. We are proceeding with a number of cleanups regardless of that superfund. As the member knows, we are under enormous pressure. Just for public health reasons, we have to go ahead regardless of the designation of the special fund, and that is happening.

We are still optimistic we can do this with the federal government, hopefully, given its new and serious concern about the environment, to attack a number of these problems. The list is as long as his arm, as my honourable friend knows. I would say that we are doing it even though we have not put the superfund thing together. We are doing it in a whole bunch of pressure areas now and we are inviting the federal government to join us in that regard.

**Mr. Brandt:** The Premier is not suggesting Ontario is not going to proceed without federal contributions.

**Hon. Mr. Peterson:** We are proceeding now.

**Mr. Brandt:** The government announced the program without discussion with them. It was part of an election campaign promise. That \$30 million was an environmental cleanup the government was going to pursue, as I understood it, without any contribution on the part of the federal government. Is the Premier saying now that he is not prepared to move without them?

**Hon. Mr. Peterson:** We are doing it. We are cleaning up all the time. Good lord, look at the—I cannot give him the figure off the top of my head.

**Mr. Brandt:** The fund is not established. It is not there.

**Hon. Mr. Peterson:** Just a minute. I am just telling him that we are cleaning up all the time. If he wants to tart it up and call it a superfund, if that makes him feel better, we can put a different handle on it. I am saying that we are doing this all the time now in a whole variety of areas. I think a lot of that work is going on.

**Mr. B. Rae:** Just briefly, if I may, is the Premier saying he is spending, on an annual basis, the same amount as he would have spent with the superfund established? Is he making that statement today?

**Hon. Mr. Peterson:** I honestly cannot tell my friend that. No, I am not making that statement, but I can tell him a lot of cleanup work is going on. I cannot tell him what that budgetary allocation is.

**Mr. B. Rae:** Surely he would agree that the cleanup work that is going on is going on precisely in those areas of the environmental budget which have already been allocated and which are described in the environmental estimates, so there is nothing happening in terms of a separate, additional funding, which the \$30 million is supposed to represent.

The \$30 million that he talked about and that was widely discussed in this House back in the days when Keith Norton was the Minister of the Environment, something that was raised on this side of the House at that time, has always been a separate fund which would be capitalized over time, which would be applied for by municipalities and by various groups that are affected by a particular problem and which would be drawn on in order to pay for the costs of cleanup. Surely that is different from simply taking it out of ordinary operating revenue and saying, "Well, we're going to try to clean up here and there." Are those not two different concepts?

**Hon. Mr. Peterson:** They really are not. It is a semantic question. My friend can say that we

should have a designated fund for something else, and he says, "Capitalize." What do you do? Do you leave the money in there to grow, do you spend it or do you just flow it through a fund? Frankly, in accounting terms, it is the same thing. We could easily do that and say, "Well, here, we will call this the fund money."

I cannot give my friend off the top of my head the increase in environmental spending in the last three years, but far more than that has been pumped in, and they have been leading in a whole variety of programs.

What I am saying to my friend is that I cannot tell him with authority that the numbers are the same, but there are a number of cleanup problems right now. Look at the money we have spent on the blob and a whole bunch of other areas which we have been involved in and will continue to be, with machinery and helping out Quebec when it had its problems and working with our own problems in dealing with cleanups.

The hope was to build a federal-provincial fund in that regard. That does not mean we are not going ahead. It would make my friend feel better to call what we are spending a superfund as opposed to out of general revenues, but unless you have a special tax or a designated tax, everything is funded out of general revenue, so I think an accountant would say there is complete transparency between those two things.

**Mr. Brandt:** The members of the opposition did not call it a superfund; the Premier did. The members of the opposition did not earmark \$30 million for this program; he did. The members of the opposition did not say that the money had to be separate and apart but could be rolled in; that was his decision.

All I am saying is that there was a commitment on the part of his government for a very substantive program that all of us agree, and I think probably with the total unanimity of this House, has got to be carried out.

I get phone calls on a regular basis in my office about contaminated landfill sites that are being discovered here, there and at other locations throughout the province. The Premier can blame that on the previous administration, but the previous administration did not know about some of these particular landfill sites until they have been analysed, until hydrogeological studies have been undertaken, until all of those details are known.

Whatever, whoever is to blame, the fact of the matter is that we have contaminated sites. I tell the Premier, there are probably 400 locations,



minimum, in this province that have got to be addressed.

Whether the \$30 million is going to be an annual, earmarked, specific, one-line account in the minister's budget or whatever, there has to be an amount there for fundamental cleanup. All I am saying is that you cannot, on one hand, say that it has to be a separate \$30 million and earmarked for a specific purpose and, on the other hand, say, "Well, we just kind of rolled it all in together and it's being done" in some mysterious way.

How much money is being spent out of the minister's budget on landfill or environmental cleanup programs? Do we know that figure?

**Hon. Mr. Peterson:** I do not know it, but I will certainly get it for my friend, and as quickly as possible.

**Mr. Brandt:** I am not totally satisfied that the program is unfolding as the Premier said it would.

I just want to discuss with him for a moment another environmental program, and this is one that I know is near and dear to his heart, because I am sure someone came up with this particular name and it had a nice ring to it: the environmental youth corps. Remember that one?

The promise was \$11 million and 3,000 jobs. To the best of my understanding at this particular point in time—and this is another environmental program that I think had some basic attractiveness to it—the Premier has spent \$3 million and perhaps has created up to 1,000 jobs. It is about one third of what he committed in that particular area. What happened with that program?

**Hon. Mr. Peterson:** We are only a third of the way through the mandate.

**Mr. Brandt:** That is not the same answer the Premier has given in the past on this, because I listen carefully. If he wants to change his answer, that is fine. I do myself from time to time.

**Hon. Mr. Conway:** On the main question of your leadership ambitions?

**Mr. Brandt:** That is not the question being addressed at this particular point. What is being addressed is the rather substantive decrease in the amount of money being directed towards a very important program. What he has said in the past, or through the Premier to his ministers, is that because unemployment was dropping so rapidly in Ontario, there was not a need to create jobs for youth to the same extent as had been the case when the program was first announced. Is that the reason, or is the government only a third of the way through its mandate? Which one is it?

**Hon. Mr. Peterson:** Both.

**Mr. Brandt:** Well, when you get an answer like "both," it makes it very difficult.

Perhaps the Premier would want to respond to a couple of other programs I have some difficulty being able to track in terms of how well they are unfolding. One is the Ontario health insurance plan program, the fees for which were going to be phased out in five years. How far is the government progressing with the phase-out of the OHIP fees? That was one which was near and dear to his heart. I know he wants to phase them out and he has the money to do it now.

**Hon. Mr. Peterson:** Do not get the assumption that money is growing on trees around here, but—

**Mr. Brandt:** You said it, not I.

**Hon. Mr. Peterson:** Who? What?

**Mr. B. Rae:** Rolling in dough. I heard the expression "rolling in dough." Didn't you hear that expression?

**Hon. Mr. Peterson:** Those guys may want to, but I can tell the member that we have not touched OHIP premiums. They have been frozen since our first budget some three years ago. My figures may be inaccurate—I am going from memory—but in the past, they financed about 19 per cent to 20 per cent of the health care system through OHIP premiums. The Conservatives would ratchet those up every year. Remember when we had the big fight with Darcy McKeough? They tried to get them up about 18 per cent or something—

**An hon. member:** Thirty-seven and a half.

**Hon. Mr. Peterson:** Thirty-seven and a half per cent. They compromised at 18 per cent, when Stuart Smith was the then Leader of the Opposition. But they at least put them up by inflation every year. It was like an automatic tax they just turned up.

Had we done what they did, had we continued to index that flat tax, it would have generated about another \$700-million worth of revenue, which we have forgone. OHIP premiums have gone from financing 19 per cent to 20 per cent of the health care system down to about 14 per cent. What the member is seeing is more and more of the financing on to the progressive system. It is diminishing in importance as a funder for the health care system. That is a very significant forgiveness of revenue. It is being absorbed through other taxes he enjoys, like provincial sales tax and a lot of others, which is a consumption tax.

The OHIP premium was a flat tax and considered in some regards unfair. I am saying that we have substantially decreased our dependency on that, and the Treasurer is constantly looking at new and creative ways to fund these situations. But it is a much less significant tax now than it was five years ago.

**Mr. Brandt:** We do not have a lot of time, but is the Premier putting the position before this House that the reduction in dependency on OHIP premiums is fairer than the increase of one per cent in the sales tax? In effect, the amount he mentioned of \$700 million comes very close to the \$900 million-plus he picks up for every point in the sales tax. When you raise the sales tax from seven to eight, you pick up \$900 million. The amount he lost by not continually adjusting the OHIP premiums, on the other hand, is \$700 million, he says. He is saying that one is fairer than the other. Is that the position he is putting before the House?

**Hon. Mr. Peterson:** I am not arguing tax equity. He can say it is picked up through personal income tax, tax on liquor, tax on gasoline and a whole bunch of other areas. The truth is that there is not enough money in the provincial sales tax to fund the entire health budget. We are spending \$13 billion to \$14 billion on health, and it is putting a lot of pressure on the system, so that was just one of them.

I am not arguing tax equity now. I am just saying that we have had to pick up through other taxes, like corporation tax and land transfer tax. The member does not like any of these taxes. If I were in opposition, I would not like them either and I would stand up and decry every single tax. On the other hand, I would stand up and cry for more spending on every area that happened to suit my fancy at that particular time. Then I would leave it to the government to sort it all out, and we could be winners all the time.

I think our system is a fair one. As I said, we have lessened our dependency on it, and the Treasurer is constantly looking at this matter.

**Mr. Chairman:** It is now beyond six o'clock. What would you like to do? Are you ready to vote on this or do you want to discuss this further?

**Mr. Brandt:** I still have some additional items.

**Mr. Chairman:** So you want to continue at some other time. Agreed?

Agreed to.

On motion by Hon. Mr. Conway, the committee of supply reported progress.

## BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** I am happy to report on the business of the House for the coming week.

On Monday, December 12, we will deal with the estimates of the Management Board of Cabinet.

On Tuesday, December 13, we will deal with second reading of Bill 193, An Act to amend the Income Tax Act, followed by a motion for interim supply. Any votes resulting therefrom will be stacked until 5:45 p.m. on Tuesday.

On Wednesday, December 14, we will deal with second reading of the Psychologists Registration Amendment Act, which was introduced this afternoon, as well as second reading of Bill 169, Bill 9, Bill 150 and Bill 174, and third reading of Bill 193. Any votes relating to these bills will be stacked until 5:45 p.m.

On Thursday, December 15, in the morning, we will deal with private members' business standing in the names of Mr. Offer and Miss Nicholas. In the afternoon, we will continue with the adjourned debate on Bill 174, if required, and deal with a number of bills awaiting third reading and royal assent.

The House adjourned at 6:02 p.m.

## ERRATUM

No.	Page	Column	Line	Should read:
117	6534	1	40	<b>Mr. Daigeler:</b> On a point of order, Mr.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

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**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- 
- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breauth, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaître, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
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 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrondola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
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 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reyecraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
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 Education (Wentworth North L)  
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\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



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No. 119

# **Hansard**

## **Official Report of Debates**

### Legislative Assembly of Ontario



**First Session, 34th Parliament**

Monday, December 12, 1988

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, December 12, 1988

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### MINISTRY OF SKILLS DEVELOPMENT

**Mr. R. F. Johnston:** In 10 years as a member I have a number of times called for the resignation of a minister, but this is the first time that I have asked a government to seriously consider getting rid of a ministry in its entirety. It seems to me that the time to make the decision to scrap the Ministry of Skills Development is at hand, for a number of reasons.

It is a clearly incoherent ministry which does not know what it is doing. It shows amazing incompetence and it has the highest administrative costs as a percentage of its overall budget of any ministry I have had the privilege to be a critic of for the last number of years. Of their total budget, 10 per cent goes into administration. A number of its functions would much better be handled under other line ministries, like the Ministry of Labour, or the Ministry of Education for literacy.

There is really no need for this ministry to continue, unless the government just wants to spend money on extra public relations, for a minister to be able to go around and make certain announcements that could be made by other ministries.

I have to tell members that it again has underspent its money this year for some of those disadvantaged people in our society who need help. The illiterate, unemployed native people, older workers, laid-off workers and disadvantaged youth have all seen the funding underspent again this year in an enormous fashion while the administration costs grow.

I would urge the Treasurer (Mr. R. F. Nixon) to speak to the Premier (Mr. Peterson), and to have this ministry ended, have the matters that it deals with sent to other ministries where they could most effectively be handled without the incoherence that we have seen here over the last number of years.

### TRANSIT SERVICES

**Mr. Cureatz:** To the Minister of Transportation (Mr. Fulton): On the ongoing events of the

extension of the GO rail system out towards the riding of Durham East and, more particularly, the ending at Whitby, I want to bring to the minister's attention that he came out a week ago Sunday in great fanfare with a great entourage, taking full credit for the extension of the GO train, forgetting the fact that my own colleague the member for Simcoe West (Mr. McCague), who was Minister of Transportation and Communications at that time, had instituted the extension project.

I will tell members, if the Liberals had been in power, the way the Treasurer (Mr. R. F. Nixon) handles the purse strings he would never have approved that extension. Lo and behold, the people in Durham give their approval to the extension in two Liberal ridings, while I do not see those Liberal members, the member for Durham Centre (Mr. Furlong) and the member for Durham West (Mrs. Stoner), standing up in the House complaining about lack of parking at those stations.

I visited the stations and, lo and behold, they are crowded. You cannot find a parking space. I say to the minister, he has been complaining about the traffic jams on Highway 401 coming in from east Metro. If he does not get his act together about providing adequate parking space so people out in those communities can start taking the commuter rail system, he is going to be worse off than ever.

I heard, through my colleague the member for Burlington South (Mr. Jackson), a GO Transit person indicated that out in the west end of the commuter rail system they cannot provide parking for people. How in the heck are you supposed to get the people off the roads if you are not encouraging them to use the commuter rail system by providing adequate parking?

### PROTECTION OF OZONE LAYER

**Mr. Adams:** The greenhouse effect on our climate has received a great deal of attention. This follows a major conference in Toronto, a TVOntario documentary, and grass-roots interest in places such as Peterborough, where city and county council, private citizens, and students from Armour Heights school, among others, have expressed concern.



The buildup of carbon dioxide and other gases in the atmosphere, resulting from the burning of fossil fuels and other causes, is rapidly warming our climate. This is a worldwide effect which will be felt most in high latitude countries like Canada.

Many Ontarians might be delighted at this news and look forward to a warmer climate, but in fact we should be very concerned about any dramatic change to our environment. Studies show that within a few decades, agricultural production may decline because of drought. Hydroelectric production may fall as levels in the Great Lakes fall, and the ski industry of southern Ontario may well disappear.

The federal government has produced a number of studies but little else. I am pleased that our select committee on energy is pursuing this problem through its investigations of Ontario Hydro's demand-supply planning strategy. This strategy will determine Hydro's contributions of greenhouse gases for the next several decades. The province should encourage hydroelectric generation of power and increased energy conservation. It should encourage Ontario Hydro to minimize use of fossil fuels, especially coal.

**Mr. Speaker:** The member's time has expired.

#### PROPOSED FACILITY FOR YOUNG OFFENDERS

**Mr. Laughren:** I, along with a lot of other members, am very much aware of what is known as the not-in-my-backyard approach. Just recently, there was proposed, in my constituency, a facility for the treatment of young offenders from the age of 12 to 15, I believe. There was much concern in the community about the location of the facility, and it became an issue during the municipal election. My phone has been ringing at home and in my constituency office, as have those of municipal politicians.

During the furore over this issue, the Ministry of Community and Social Services made not one iota of effort to contact me so that I could be informed and so that I could respond to my constituents in a positive way. My instinct on this matter was to support the facility for the treatment of young offenders, but only because it is my instinct, not because of any information that the Ministry of Community and Social Services bothered to send to me as the local member.

I am not surprised that members in this assembly sometimes find themselves caught up in the campaigns against projects when the

ministry which is responsible for implementing them does not seem to give a hoot about whether the members themselves are informed. It is no wonder there is resistance in the community when the members are not kept informed as to why such an option should be implemented.

#### RETAIL STORE HOURS

**Mrs. Cunningham:** With yet another Christmas season in full swing, I rise today to convey to both the Premier (Mr. Peterson) and the Solicitor General (Mrs. Smith) the never-ending dismay and the outrage that has been unnecessarily kindled by this government's failure during the past year to enforce the Retail Business Holidays Act, which has resulted in the ongoing Sunday shopping fiasco in our province.

Here in Ontario, we all have the Sunday-shopping blues, which the Premier can add to his bag of unforgettable and unforgivable blunders for one reason and one reason alone: this government refuses to live up to its duty to uphold the present law. It is a sign of good government that the laws, however imperfect they may be, are upheld and sustained.

Unfortunately for the people of Ontario, we instead have a Liberal government intent on flouting the law while ramming through an even more dubious law that the majority of citizens clearly do not want. As a convenient scapegoat, this government claims it is up to the municipalities to enforce the present law. By refusing to deal with the issue of enforcement, this government has taken the route of least responsibility and has exacerbated the current problems by not utilizing the full force of the law within its power.

In the interim, while Ontarians wait on the sidelines for some serious action, the very least this government could do is demonstrate the responsibility which is sorely lacking and enforce the current legislation.

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#### LIMITATIONS ACT

**Mr. D. R. Cooke:** Later this afternoon, I will be introducing an act to amend the Limitations Act.

In our society, the tragic occurrence of sexual assault, particularly of children, is a largely hidden and yet pervasive reality that has damaged the lives of far too many. It should not hurt to be a child, yet tens of thousands of children and youths are victims of sexual abuse and incestuous molestation. In fact, Ontario's child abuse registry reports that 1,345 cases of sexual abuse involving children under the age of 16



were reported to the children's aid societies in 1987.

We know that this unacceptable level of sexual abuse is actually just the tip of the iceberg. It has been estimated that as many as one in four girls and one in 10 boys are sexually abused as children.

One such victim and her Kitchener-based support group, Survivors and Supporters Against Sexual Abuse, brought to my attention the fact that our Limitations Act limits civil actions by such victims to four years after the age of majority or cause of action. Because of the dynamics of molestation, child sexual abuse and sexual assault, this time line is far too short. Most important in this respect, a four-year limitation period does not take into account the unique injuries that result from the abuse which render the victim unable to pursue an action in court. The amendment to the Limitations Act is intended to extend that limitation period.

## STATEMENTS BY THE MINISTRY

### TRANSFER PAYMENTS

**Hon. R. F. Nixon:** I am announcing today the funding levels for the coming fiscal year for major transfer programs. In 1985, the government made a commitment to provide advance notice of funding levels to the major service providers to allow them to plan their budgets effectively.

The support levels I am announcing today comprise more than 40 per cent of the province's budget and represent Ontario's financial support for hospitals, universities, colleges, school boards and municipalities.

Before I talk more about the individual grant levels, I would like first to make some brief comments about the economic and fiscal health of Ontario.

The year 1988 is the sixth consecutive year of strong economic growth in Ontario. The real output of the province is forecast to increase by 4.5 per cent in 1988. In the coming year, the economy will enter a period of more moderate growth, expected to be almost three per cent. The unemployment rate is expected to remain near this year's 14-year low of five per cent, and inflation is expected to remain moderate.

The annual Economic Outlook and Fiscal Review which will be released shortly, will provide a complete forecast for the coming year.

With the economy growing at a more moderate and sustainable level, the rate of growth of the province's revenue base will not match the pace experienced over the past six years.

The funding I am announcing today is in keeping with the sustainable rates of growth we forecast for the economy. While the rates of increase in grants will be moderate due to the declining rate of increase in economic growth, they will permit universities, colleges, schools, hospitals and municipalities to continue to ensure the efficient delivery of services to the people.

The grant level announcements reflect the priorities accorded health care and education by the government.

The total allocation for the operation of hospitals for 1989-90 will be increased by 8.1 per cent to approximately \$6 billion. I would say this is about a \$500-million dollar increase compared to the present year.

The Minister of Health (Mrs. Caplan) is currently undertaking consultations on a new funding arrangement for hospitals with the Ontario Hospital Association. When those discussions are completed, the minister will provide the details on today's funding announcement. With the new funding arrangements and an increase of 8.1 per cent in provincial support, hospitals will be able to continue meeting health care needs in Ontario's communities while avoiding operating deficits in the future.

Total funding for the operation of universities in 1989-90 will increase by 7.5 per cent over the level of the current fiscal year. Of the \$1.7 billion provided to universities, \$88 million is included to fulfil the commitment made in the 1988 budget to improve accessibility to Ontario's universities.

The 1989-90 operating grants for colleges of applied arts and technology will approach \$700 million. Overall funding for the colleges will grow by 5.6 per cent. My colleague the Minister of Colleges and Universities (Mrs. McLeod) will soon announce the details of these increases.

Provincial support for the operation of school boards will increase by 6.1 per cent in 1989-90. This increase will add approximately \$240 million in funding for school boards, bringing total operating support to more than \$4.1 billion. Included in that amount is approximately \$80 million to continue to implement the government's 1987 throne speech initiatives to reduce class sizes, strengthen student computer skills and improve the teaching of science in schools.

Transfer payments to the municipal sector in 1989-90 will total approximately \$4.4 billion, which amounts to an increase of 5.4 per cent. Within the overall allocation, more than \$220 million in additional funding will be provided to municipalities for priority areas. In particular,



total payments to municipalities for general welfare for individuals and families in need will increase by 10.8 per cent. In addition, the allocation for water and sewer projects will increase by 11.3 per cent, for municipal transit facilities by 11.4 per cent and for child care services provided in day nurseries by 13.9 per cent.

Unconditional grants will be funded at \$871 million again this year.

**Mr. B. Rae:** That would be zero per cent?

**Hon. R. F. Nixon:** That is correct.

**Mr. B. Rae:** Zero per cent?

**Hon. R. F. Nixon:** That is correct; that is what it says.

**Mr. B. Rae:** It doesn't say zero per cent, though. I just want to make that clear.

**Hon. R. F. Nixon:** Anybody with intelligence would know it, and the member knows it.

Municipal road assistance will also be maintained at the \$678-million level. Would the member care to comment on that one?

**Mr. B. Rae:** No.

**Hon. R. F. Nixon:** The financial position of our municipal sector has strengthened in recent years and I believe that these allocations are realistic and in keeping with changing priorities. To fund local priority activities and projects beyond these levels, many municipalities will choose to raise additional funds from local financing sources.

Today I am tabling a green paper describing approaches of assisting municipalities and school boards with the financing of growth-related capital needs. These approaches create a consistent framework for municipal lot levies, enable school boards to establish education lot levies and explore other innovative means of financing capital expenditures.

I invite briefs regarding possible improvements to these approaches to financing capital expenditures or other alternatives. As the government anticipates introducing legislation on approved approaches early in the next session, municipalities are expected to maintain their lot levies at current levels until that time.

I am confident that these allocations will enable our major partners to continue providing quality health care, essential municipal services and excellence in education at all levels.

**Hon. Mrs. Caplan:** I would like to announce an increase in operating funds for Ontario hospitals for the fiscal year 1989-90.

Ontario hospitals will receive approximately \$6 billion in operating funds for 1989-90, up

from about \$5.5 billion in 1988-89. This represents an overall increase of 8.1 per cent in operating funds for the next fiscal year.

The increase will allow this government to maintain its commitment to provide quality care with sound fiscal planning. As I have indicated in this House, hospitals are expected to operate within their budget allocations to attain balanced budgets.

It will also support continuing improvement in hospital services in all areas of the province for the coming fiscal year. Specific details of hospital budgets will be available at a later date. As I indicated in my recent speech to the Ontario Hospital Association, we are moving to a fairer hospital funding system.

Recently, a joint committee composed of hospital representatives and the Ministry of Health was established to develop a transitional funding formula for implementation in 1989-90.

### 1350

The committee is examining alternative approaches to provide funding to hospitals and will take into consideration economic costs, workload pressures, demographics and case-mix changes.

This committee has made very significant progress to date. I am hoping to have specific recommendations for policy review early next year. This will then provide us with a funding framework for next year's hospital allocations.

My ministry is looking forward to the implementation of a hospital funding system that will be more responsive to the changing needs of our health care system.

**Hon. Mr. Eakins:** I would like to take this opportunity to tell my colleagues about the 1989 unconditional grants to municipalities. Once again, I am pleased to be able to announce these as early as possible so that municipalities will be able to plan their budgets accordingly.

The Treasurer (Mr. R. F. Nixon) has just announced that total transfer payments to municipalities in 1989 will amount to approximately \$4.4 billion. That is an increase over 1988 of 5.4 per cent. As the Treasurer has indicated, it is extremely important that provincial tax dollars are allocated in such a way as to support provincial priorities.

For that reason, increases in funding to municipalities this year have been directed into conditional grant programs to meet specific needs.

Within that context, my ministry has been allocated \$871 million to be paid in the form of unconditional grants, the same as was paid last



year. Each municipality will receive the same amount it received in 1988.

Let me remind the members exactly what unconditional grants are. They are grants given to municipalities with no strings attached. They are spent by each municipality as it sees fit, according to its own goals and priorities.

Across Ontario, unconditional grants in 1989 will average \$239 per household and represent about 8.5 per cent of municipal operating revenue.

In northern Ontario, where municipalities face higher costs than those in the south, unconditional grants will average \$556 per household and represent about 20.8 per cent of municipal operating revenues.

Exact details of the unconditional grants will be forwarded to municipalities within the next few days.

### EARTHQUAKE IN ARMENIA

**Hon. Mr. Phillips:** The reports coming from the Soviet Republic of Armenia continue to indicate a worsening situation in the aftermath of last week's tragic earthquake. As I think we all know, the number of dead and homeless continues to climb.

Once again, the people of Ontario have responded generously to the obvious needs of the people in the affected area.

As the Premier (Mr. Peterson) indicated last week, the province will be contributing to the international relief effort in the Soviet Republic of Armenia. To this end, an immediate grant of \$300,000 is being made. Additional assistance will be considered in light of the needs in the area. Furthermore, we will continue to monitor the situation in co-operation with the Armenian community of Ontario.

As well, my ministry is giving a grant of \$25,000 to assist in covering the operational cost of the emergency relief centres in the Metropolitan Toronto area, which are being administered currently by the Armenian Relief Committee.

The Minister of Health (Mrs. Caplan) has appealed to Ontario hospitals for donations of surplus supplies, medical equipment and materials. We also are in touch with the private sector donors to co-ordinate the relief efforts in the areas of medical and pharmaceutical supplies.

Through the Ministry of Government Services, we are facilitating the storage and transportation of donated food, clothing and other supplies. Ontario is also liaising with the federal government to ensure that we take advantage of any relief flights into the stricken area.

I am sure the members join once again in extending their deepest sympathy to the families and friends of the victims of this disaster, and I invite all members to join the government in assisting in the relief efforts.

### POLICE SHOOTING

**Hon. Mrs. Smith:** As members are aware, last Thursday evening, officers of the Peel Regional Police shot and killed a black teenager in Mississauga. This incident is currently under investigation by the Ontario Provincial Police at the request of the chief of Peel Regional Police.

I am most concerned about this incident and have asked the Ontario Provincial Police to conduct a prompt investigation of the matter. It is important, in my view, that the matter be thoroughly investigated without delay. I am informed that the investigation will be concluded by December 16, 1988.

This kind of incident does not in any way enhance the relationship between the police and the community. It causes considerable setback to the tremendous work done by community leaders and the police to foster better understanding between the police and the community. The incident in question is being investigated by the OPP, since criminal charges, if they are to be laid, can only be laid after a police investigation. If criminal charges are not laid, there will be an inquest or other form of public hearing to allow all the facts pertaining to this matter to be examined fully.

I am very concerned about the broader question of the relationship between the police and the ethnocultural minorities. Along with the Minister of Citizenship responsible for race relations (Mr. Phillips), I will be meeting with leaders of the ethnocultural community in Ontario tonight. I will seek their views and advice on what needs to be done to improve police-community relations. We need to explore innovative and more effective means of providing better training, better understanding and better appreciation of relations between the police and the minorities in Ontario.

We have worked long and hard to build bridges of understanding between the police and minority communities. Incidents such as the one that occurred last Thursday have the potential of putting into jeopardy the progress made in that area. We need to be vigilant and mindful of the responsibility of our police forces to all residents of Ontario.



## MINING

**Hon. Mr. Conway:** I rise in my capacity as Minister of Mines to release the government's green paper on minerals policy and legislation.

Mr. Speaker, I say to you and my friends in the Legislature that Ontario's mining industry makes an enormous contribution to this province, both in terms of its wealth and its employment.

It is estimated that mining activity contributes more than \$8 billion each year to the Ontario economy. More than 10 per cent of people working in northern Ontario are employed directly in mining, smelting and refining, and another 30 per cent of that population depends on the mining industry indirectly for its livelihood.

Mining today is both technologically advanced and highly sophisticated. It is also facing some significant pressures, including increased concerns about health and safety and the environment. While the nature of mining in Ontario has changed, the legislation governing it has not.

In our November 1987 throne speech, this government made a commitment to review the Ontario Mining Act. Today, I am pleased to release my ministry's Green Paper on Ontario's Mines and Minerals Policy and Legislation, the first step in our effort to prepare our mining legislation for the 21st century.

The green paper contains a discussion of the issues facing mining today, options for change and a series of recommendations. It sets out the policy directions and priorities this government believes are appropriate to the long-term needs of the mining industry.

Our goals in preparing this paper and in revising the Ontario Mining Act are: first, to create the kind of regulatory and legislative environment that will encourage the ongoing development of our mineral resources; and second, to protect the interests of those who are concerned about the impact of mining on the environment and upon their communities.

Our green paper recommends that the new mining legislation should recognize and clearly define both the industry's rights and its responsibilities.

In chapter 1 of the paper, we have addressed the question of land tenure and the right to mine, including measures to avoid claim disputes.

In chapter 2, we have made recommendations to help industry comply with government legislation, while at the same time we want to ensure that responsibility is taken for environmentally sound mining operations, from the opening of a mine to its closure.

In chapter 3, we deal with the related issues, such as the inclusion of certain industrial minerals in the Mining Act, the use of regulations and our government's recommendation that we retain the current provisions with respect to domestic processing.

This green paper and the responses to it will form the basis of a new Ontario Mining Act that will be drafted and presented to this Legislature. Because of our desire and commitment to see this legislation introduced in a timely fashion, we have set March 31, 1989, as the deadline for responses.

I strongly encourage all interested parties in this Legislature and elsewhere to participate in this consultation process. Their views are essential as we move forward with revisions to this most important legislation.

**1400**

## RESPONSES

## TRANSFER PAYMENTS

**Mr. Laughren:** I wish to respond briefly to the statement by the Treasurer (Mr. R. F. Nixon). I am sure that municipal leaders all across Ontario will be lining up to knock on the Treasurer's door, if not to knock it down, given the fact that he has told them today that he is, in effect, decreasing unconditional grants and road assistance grants to those municipalities. The Treasurer knows full well that municipal costs are not frozen but that, in fact, when he holds their grants at the same level as last year, he is telling them that they are getting a reduction in assistance from the province.

An interesting part of the Treasurer's statement, of course, was his comment about the green paper that apparently is going to bring us lot levies in Ontario. It is interesting that as late as late last week, the Treasurer was indicating that he did not know anything about lot levies and that he was not talking about that. That leads us to believe that either he did not know anything about it, in which case the bureaucrats are running his ministry, or if he did know something about it he was misleading this place. If he did not know anything about it—

**Mr. Speaker:** I know you will choose your words very wisely.

**Mr. Laughren:** After promising the school boards that he would increase provincial assistance to funding education to 60 per cent, by telling them that they now have to raise money through a lot levy, plus the fact that he is cutting back on the proportion of government assistance



for the capital costs of construction of schools, the Treasurer is, in effect, telling the school boards that they are not going to get more money from the province, but that they are going to get less.

**Mr. B. Rae:** This is a kind of budget by striptease. The Treasurer is allowed to appear generous, for example to the hospitals in terms of an 8.1 per cent increase, but I would remind everybody that last year the government of Ontario took in an increase of 11.6 per cent on the revenue side. The Treasurer has not told us how much the increase is going to be for next year, so we have no way of knowing whether the hospitals are getting more or less than what the government of Ontario is going to be taking in on the tax side in the next fiscal year.

**Mr. Ballinger:** Trust us.

**Mr. B. Rae:** One of the Liberals says, "Trust us." I do not think the people of Ontario are about to do that when it comes to what has happened.

There has been, in effect, a cut to the municipalities. The Treasurer told us all the percentage increases with the exception of one percentage increase: the zero percentage increase on the unconditional grants and the zero percentage increase on municipal road assistance. Those are the increases the Treasurer would not present to us in percentage terms.

We are going to have ample opportunity to see that the Liberals, instead of doing what they said they would do and increasing the share of provincial responsibility for education, have in fact said to the municipalities: "You are more responsible now, more than ever before, for what happens. You are going to have to go back to the most regressive tax base there is, the property tax base, plus the lot levies," which are another regressive increase imposed by the Treasurer, "and take on those additional costs yourselves while the government of Ontario bails out of its responsibilities."

#### POLICE SHOOTING

**Mr. B. Rae:** I also want to say a word to the Solicitor General (Mrs. Smith) about her announcement. It simply is not good enough to say that she is going to have meetings in order to deal with the tragic shooting which took place on Thursday night.

She will know full well, and I am quite astonished that she did not mention it in her statement today, that the government has had in Orders and Notices since 1986 a bill dealing with the question of civilian complaints. It has not moved on that legislation. It has not pushed

forward with that legislation. It has not presented that legislation to the House for second reading.

She will also know the profound dissatisfaction in a great many communities with what has happened, anger in those communities with what has happened. I say to her that her response is simply not adequate.

#### EARTHQUAKE IN ARMENIA

**Mr. B. Rae:** Finally, with respect to the Armenian disaster announcement made by the Minister of Citizenship (Mr. Phillips), I will say bluntly to him that I think the number is too low. I have not said this on other occasions with respect to other announcements, but I will say to him today that I think the \$300,000 figure is lower than it could be and lower than it is going to need to be in order to allow our government to express the generosity which I know our people feel.

I also call on the minister now to present a policy to this House on this question of disaster and other international relief. We have to have a coherent policy for the House so that we are not simply going from one announcement to the next in terms of what takes place.

#### TRANSFER PAYMENTS

**Mr. Pope:** I am pleased to reply to the statement of the Treasurer (Mr. R. F. Nixon).

First, this government, of course, is now presiding over a slowing down of the rate of growth of the Ontario economy. The Treasurer did not take the opportunity today to promise Ontario residents there would be no additional tax increases from this Liberal government. We have seen an increase in revenues of over 11 per cent in the current financial year in the hands of the Liberal government, yet the transfer payments to various agencies and public institutions in this province are, of course, much less than that. We had no indication from the Treasurer today of what the impact of these grant and transfer payment allocations are going to be on the operations of these institutions which are very important to the people of Ontario.

For instance, there is an increase in college operating grants of 5.6 per cent. We have received information, as has the Treasurer and the minister involved, that an increase of approximately seven per cent is needed in order to avoid layoffs and cutbacks in courses because of the increase in growth and enrolment, in course options and in costs that the community college system is facing.

With respect to the education system, we do not know from the Treasurer's statement whether



or not the proportion of provincial support to total overall budgets of the boards of education of this province is going to again reduce as a proportion, as it has every year under the Liberal administration.

Others have spoken about the flat-lining of unconditional grants and road subsidies. Of course, that will have the greatest impact on small communities, rural communities across this province that cannot be happy with that kind of performance from this Liberal government. Again, hospital budget increases of 8.1 per cent do not tell us how much will be allocated to new programs that have already been approved by this government and are on the waiting lists to be approved by this government, and how much will go to standard operating budgets for these hospitals.

Really, the Treasurer has not exactly been forthcoming as to what the impact of the increase in these transfer payments is going to be. He has not told us what the impact will be on the tax policy of this government for the coming financial year and he has not assured the people of Ontario that basic services that they have a right to expect out of their government will be maintained.

The only thing we do know is this Treasurer and the Chairman of the Management Board of Cabinet (Mr. Elston) have been abysmal failures in bringing administrative expenses in Queen's Park under control, while they are cutting everyone else back comparatively.

#### MINING

**Mr. Harris:** I want to talk about the two green papers. First, the mining paper: These changes to the Mining Act were introduced by my colleague the member for Cochrane South (Mr. Pope). Then an election intervened. They were reintroduced by myself. They were circulated in the industry, and in the three years intervening, we have gone from a bill that had wide circulation now back to a green paper. The minister has moved a long way in the last three years.

#### TRANSFER PAYMENTS

**Mr. Harris:** The second green paper deals with housing. I am reminded of a statement: "We have a plan to reduce auto insurance. We have a plan to reduce the cost of housing." We had Assured Housing, and house prices went up. We had Housing First, and house prices went up. We had Homes Now, and house prices went up. Now, we see why the government brought in the Ontario home ownership savings plan, because

in one fell swoop it has taken the principal and the interest—

**Mr. Speaker:** I am just wondering which statement—

**Mr. Harris:** The Treasurer's (Mr. R. F. Nixon) statement on the green paper. If you had listened to him, you would have known.

The \$10,000 the government wants people to save in capital and interest, it is going to take away in one fell swoop with its plan now on lot levies. Every time the government has come in with anything on housing, it reminds me a little more of the show *Lifestyles of the Rich and Famous*, because those are the only people we are going to have housing left for in this province.

1410

**Mr. Cousens:** The Treasurer and the Minister of Municipal Affairs (Mr. Eakins) have not heard the end of this one yet. The figures look good to those who do not know what they mean, but what this government has done is a shocking disgrace.

The unconditional grants are flat-lined, and that is where local government has an opportunity to serve its community. What they have done is given conditional grants to support the programs they want that will not touch a large number of the people in this province. This government has it all wrong. It is in reverse of what it should be. I am really very disappointed.

**Mr. Speaker:** That completes the allotted time for ministerial statements and responses.

#### ORAL QUESTIONS

##### USE OF LOT LEVIES

**Mr. B. Rae:** I want to go to the Treasurer on the subject which last week he was completely ignorant about and now apparently he knows something about. That, of course, is the issue of lot levies, which last week he refused to discuss with the House and now he has put forward a very specific proposal from his government.

I wonder if the Treasurer could tell us whatever happened to that age-old, venerable Liberal promise of increasing the share of education expenditure in this province paid for by the province to 60 per cent from the lowly 44 per cent it is now. With this proposal, he is going to be dropping well below 40 per cent. Whatever happened to that Liberal commitment that he made?

**Hon. R. F. Nixon:** I think any reasonable observer would say that we have substantially increased in a fair and equitable way the support for education at all levels and that we have



particularly emphasized the need at the post-secondary level. The honourable member, if he wanted to fairly look at the numbers presented, would know that the costs associated with providing pensions for teachers, the cost for providing education for the hard-of-hearing and the people who have sight difficulties, if they were all put together, he would see that we pay almost exactly 60 per cent of the cost of education.

There is nothing unfair about it because they are dollars that come out of the taxpayers' pockets. He may think they are inadequate, but we think they are appropriate.

**Mr. B. Rae:** The words of Bette Stephenson have found a new voice. They have thundered forth to us in an unusual presence. I feel like I am watching a kind of horror movie, *The Return of the Land Before Time*, with this kind of Tory reincarnation. It is like the end of *Animal Farm* when you look from pig to man and from man to pig and you could not tell the difference any more. That is exactly what has happened to the Liberal Party of Ontario.

**Mr. Speaker:** The supplementary?

**Mr. B. Rae:** The question is quite simply this: How does the Treasurer justify imposing an increase on new home buyers—and he knows full well that the cost of the lot levies will be transferred to new home buyers—when he knows and his studies show that it is a regressive tax? It is a kind of head tax on new home buyers in this province which is terribly unfair to the people of this province. How does he impose that kind of unfair, regressive increase and justify it in terms of all the range of taxing options that are available to him when it comes to a fair tax system in Ontario?

**Hon. R. F. Nixon:** I am still left back there trying to figure out who is the man and who is the pig. Whatever decision he arrives at it is pejorative and I think perhaps he should withdraw it. I am always amazed at the honourable leader's capability to get white-lipped and trembling over any issue, even in reading the phone book. We can always count on that.

I think he should be aware that this government has raised its commitment for the capital support of school boards and building new schools from about \$80 million when we took office, to \$300 million this year. In order to assist the schools boards and the Minister of Education (Mr. Ward) to adequately plan for capital matters, we have indicated that it will be not less than \$300 million for the next succeeding three years. Anybody with any modicum of under-

standing would not be in a position to say that this funding is inadequate, however hard he or she might be trying to impress the innocent.

We do feel, however, that still there are too many portables in rapidly growing communities and that rather than make an allocation away from health or transportation or environmental programs, we feel that rate of growth is appropriate and we are looking for fair and equitable alternatives to expand the availability of that money in creating new school places.

The member will notice when he reads the green paper that was made available to him a bit previous to question period that it is not just lot levies. There are alternatives involving borrowed Canada pension plan funds through the province. There is also an indication that we are prepared to amend legislation so that specific agreements with developers could be a part of it.

My own feeling is that the paper is a stimulating and valuable one and we hope the leader—who, Mr. Speaker, you permitted to run on about some previous stuff before he got to his question, since you are getting a little anxious about me—we hope the leader's generous and liberal soul will lead him to support its concepts.

**Mr. Laughren:** One of the Treasurer's proposals is to reduce the provincial share of capital costs of construction to school boards from 75 per cent down to 60 per cent, presumably the difference to be picked up by lot levies that would be imposed by the school boards, as I read his green paper. Can the Treasurer tell us whether it is his plan that school boards in areas where there is not a lot of new construction would still be required to pick up the 40 per cent rather than the 25 per cent which they presently do or whether this is going to be a blanket policy on all school boards?

**Hon. R. F. Nixon:** It is a proposal only, as the honourable member would be aware, and there is nothing inherent in that which would do anything other than build more schools, because if the lot levies were in place now to extend the \$300 million that is available, there would be at least \$500 million worth of schools built in the next succeeding year. Our purpose is to build schools and we think it is essential to have a broader funding base for that purpose, and we believe that a reasonable support for the concepts in the green paper can accomplish that.

#### POLICE SHOOTING

**Mr. B. Rae:** My new question is to the Solicitor General. She will know that in 1986 her colleague the Attorney General (Mr. Scott)



presented for first reading An Act to amend the Metropolitan Toronto Police Force Complaints Act to expand it to become an Ontario-wide system and the act would be renamed the Police Force Complaints Act.

The minister is in receipt now of a letter from Mr. Ruby proposing very directly to her, on behalf of the Lawson family, that the Metropolitan Toronto office of the public complaints commissioner be asked to take charge of an inquiry into the shooting on Thursday night of Michael Wade Lawson.

I wonder if the Solicitor General can tell us, apart from the statement she has made today, which indicates no specific action on her part, just what she is specifically prepared to do to ensure that there is a truly independent and complete review of what took place, together with recommendations to make sure that it simply stops happening in Ontario.

**Hon. Mrs. Smith:** As a matter of information, I am not as yet in receipt of a specific letter; none the less, I would like to reply to the question in a more general way.

Indeed, we have examined closely the bill before the House—

**Mr. D. S. Cooke:** You introduced it.

**Hon. Mrs. Smith:** —which was introduced by this government and is before the House, with regard to the extension of the complaints bureau. Our concern with this bill and our—

Interjection.

**Hon. Mrs. Smith:** If the member would care to hear my answer, the concern with this bill is only that it is not general enough. We wish to ensure that throughout Ontario there is a system in place which provides a complaints process for everyone in the province regardless of where they live.

The problem with the present bill is that it is indeed optional and every community would individually have to opt into it. Because of this, we have been studying instead the structure of the Ontario Police Commission and its complaint function. We have completely separated it into a quasi-judicial function and a policing function. That branch of the police commission which is now under Douglas Drinkwater is completely separate from any police responsibilities so that it can, indeed, be structured as an independent complaint bureau.

1420

**Mr. B. Rae:** The minister's response is completely incoherent, to be polite. There is a civilian complaints bureau that is independent of

the police commission here in Metro. If the Solicitor General is telling us that the police commission is her idea of a complaints bureau, she is sadly mistaken, she does not know what she is talking about and she has missed the boat.

The second fact is that this family has nowhere to go right now. They have no legal remedy that they can follow as set out in the statutes of Ontario that will give them satisfaction that they are going to get an inquiry that is independent of the police, independent of the police commission, independent of the powers that be, and answer a fundamental question: Why was their young boy, who was in a car, shot apparently in the back of the head? Why did that happen? They are entitled to an answer to that question. What is the minister going to do to give them that answer?

**Hon. Mrs. Smith:** As I have already suggested in my remarks, and as the member knows, the OPP is investigating this. If we started another inquiry at this point, it would preclude criminal charges being laid under that OPP investigation. This is something this government does not want to do.

As to the other portions of that question, I would be glad to send the member a structure of the new OPC so he will understand, as I have said before in this House, that indeed we have set up a completely independent group, fully independent of police input, which will be the quasi-judicial portion of the police commission. I would be happy to provide him with the members on that commission. He will see that there is no tie-in whatsoever with police.

**Mr. B. Rae:** If the minister is seriously arguing that the way for her, as Solicitor General, to gain the confidence of those communities that are deeply disturbed about the relationship between their communities and the police, is to talk about suggesting that they go to the Ontario Police Commission, she is really barking up the wrong tree. She really is, and I say that with the greatest of respect to her.

The question that I have, again, is specifically for the minister. It has been over four months since Lester Donaldson was shot. We still do not have the results of the police inquiry into the possibility of criminal charges being laid. There has been no statement made by the Attorney General in this House in that regard. If she thinks that the communities in this province are going to continue to wait month after month after incidents which make no sense to them—and I can tell the minister, incidents which make no sense to me or to a great many other people—then she is sadly mistaken.



I would simply ask her: Why not seize the leadership that is required, understand that independence of the review process is critical, and take advantage of a very sensible suggestion, which is that the head of the Metropolitan Toronto complaints office be given particular authority with regard to this particular event in order to give the family somewhere to go that is independent, somewhere that they can have some confidence in the process and some confidence in the fairness of the result?

**Hon. Mrs. Smith:** It is significant that the member points out the Donaldson case. Indeed, the Donaldson case is in Metro where the office of the complaints commissioner already does exist and is involved, which only proves the point that can be made, that if the member wishes to imply that there is no place for a complaint to be heard, it can happen even still in Metro. Indeed, I assure the member that we are very deeply concerned about this and we will provide a proper inquiry process for this, as there is in Toronto in the police inquiry and as will come into place in the Donaldson case.

#### AUTOMOBILE INSURANCE

**Mr. Brandt:** My question is for the Premier and it relates to the question that I raised with the Chairman of the Management Board of Cabinet (Mr. Elston) last week in regard to the Mercer report. The Chairman of Management Board indicated at the time that I raised the question that there would be full and complete hearings from any citizens of the Ontario community who wanted to have input into the review process that had been established by the Ontario Automobile Insurance Board.

I accepted the minister's response in that particular respect, I say to the Premier, because I wanted to have an opportunity for the people of Ontario to respond to what is now before us, the largest or perhaps one of the largest proposed increases in automobile insurance in the entire history of this province; namely, the 35 per cent to 40 per cent outlined in that report.

My question to the Premier is, does it perhaps surprise him that there has been a total of only six hours allocated for the total review of the proposals contained in the Mercer report, only six hours for the people of Ontario to respond and to indicate their concerns? Does he think that is fair and equitable in light of the tremendous increases proposed in the report?

**Hon. Mr. Peterson:** I am not sure how the board has ordered its business in that regard, but I will pass on my friend's comments to it.

**Mr. Runciman:** The people designing the rate hearings process apparently think no one lives in Ontario outside Toronto. Not one minute of the public hearings has been scheduled outside Metropolitan Toronto, thereby effectively cutting six million Ontarians out of the process. It seems to be part of an effort to limit public input about rate increases.

Is the Premier prepared to ask the board to hold public hearings in all major centres of the province?

**Hon. Mr. Peterson:** I am not in a position to order its business, but as I understand it, the government has assisted a number of the consumers' groups to make representations. We want to make sure that it is open and fair and that people have a chance to speak.

**Mr. Runciman:** In my view, I do not think the Consumers' Association of Canada adequately represents all consumers in this province. I think the timing of the hearings also seems to be part of a plan to limit public input. Such important hearings should not be held in the 10 days before the Christmas holidays. It is passing strange that the board has timed the hearings to be as invisible as possible, with the public interveners as ill-prepared as possible.

Will the Premier commit himself today to ask the board to schedule more public participation hearings in the new year so that this vital issue will get adequate preparation and attention?

**Hon. Mr. Peterson:** I certainly have no trouble discussing with the minister, if he has any ideas, or if the member has any ideas, how to make this open and fair. As he knows, there are a variety of different opinions on this matter. An independent database is being established and they are going to get advice from various people in this regard, and certainly we want it to be fair.

As I understand it, my honourable friend was prepared to accept an increase and his response was, "We'll phase it in over a long period of time."

**Mr. Brandt:** He did not say that at all.

**Hon. Mr. Peterson:** That is exactly what the member said in this House. He can read Hansard if he does not believe me; the member accepted it.

We do not accept anything as conventional wisdom; we go in there and the board is there to be independent and to scrutinize it from all points of view and make sure we are all looking at the same facts.

#### POLICE SHOOTING

**Mr. Brandt:** My question is to the Solicitor General and relates to the same topic raised



earlier about the tragic shooting involving Wade Lawson in Mississauga. I, too, am not satisfied with the responses she has given with respect to how this matter is going to be handled.

I understand from her comments earlier today that she will in fact be meeting with the black community this evening to discuss its concerns. It is also my understanding that at this meeting the community will be recommending to her that there be a public inquiry into this matter and that it be open and independent, which is along the lines our party would like to see this matter evolve so that it is not perceived as being a closed-shop kind of review by the police.

In fairness to the police, I think it is in their best interests as well, recognizing that there have been other incidents, that this matter be handled in such a way as to be as open and fair and balanced as possible. What will her response be to the black community when it makes that request of her at this evening's meeting?

**Hon. Mrs. Smith:** I share with the member for Sarnia the concern that indeed what we do be public, seen to be fair and, indeed, be fair. All of those are most important items in whatever actions are taken by this government.

We will indeed be taking action, as I said in my statement, because we are most anxious, as are all the members of this House, to assure the public that we are aiming for the same goal as everybody else: an open and direct dealing with this individual problem, along with the much broader picture of race relations with the police throughout the whole province of Ontario, rather than in just some portions of the province. We will be working towards that, but will also be dealing with the individual area to set up whatever is necessary to look closely at this particular, individual incident.

1430

**Mr. Brandt:** Some months ago, my colleague the member for Parry Sound (Mr. Eves) recommended to the government by way of resolution that the incidents that occurred earlier, with respect to Lester Donaldson and Bernard Bastien of Windsor, be dealt with by way of referral to the standing committee on administration of justice, so that there could be an independent review in which that committee could determine how focused or how widespread should be its review of this kind of incident, so that the public would be assured it was a matter that was being dealt with by all three parties in a public process, which has functioned well in this assembly over a long number of years.

My colleague the member for Parry Sound made that recommendation to the government in the light of what he felt was the appropriate way to go. Is the minister prepared to take under serious consideration a referral to the justice committee in order that this matter can be dealt with in an appropriate fashion?

**Hon. Mrs. Smith:** I assure the member for Sarnia that we are willing to look at and consider anything, although I think there are many legal and other questions with regard to having a committee of this House sit as a jury on police matters. I know certain protections exist within society in general that do not apply in the same way in committees.

I myself would not want to state at this point whether that would be an appropriate forum. What you generally have is something more closely resembling a jury, such as we have in an inquest or a public inquiry, so the people are truly represented by citizens who hear properly, in a legal context, from the people involved and deal with it as citizens.

This is what our whole jury system is based on. It has proved adequate over many, many moons. I do not see trying to replace that type of jury system with a committee of parliament, but I am certainly willing to look at any suggestions.

**Mr. Brandt:** The whole question of police procedures, the use of firearms and the whole question of minorities, which is part of this discussion relative to the police relationship with minorities, are, I think, appropriate matters for a committee of this Legislature to be reviewing.

I recognize the good work our police are doing in a number of instances. This past weekend, as an example, it was brought to my attention that in the Jane-Finch area, the Metropolitan Toronto Police held a party for 300 youngsters in an attempt to make that community aware of the fact that the Metro police want to work with it in a co-operative sense.

I am well aware of that and I am not trying to inflame fires here or make the situation worse, but I do believe the Ontario public wants to see something positive develop with respect to three incidents that are causing grave concern in our communities. What they want to see is an open, public inquiry carried out by a committee of this Legislature along the lines suggested by my colleague, who sits at my right-hand side, the member for Parry Sound.

**Mr. Speaker:** Do you have a question?

**Mr. Brandt:** My question is, will the minister take under serious consideration the matter of referral to the justice committee so that we can



have an appropriate forum to have this matter dealt with in an appropriate fashion?

**Hon. Mrs. Smith:** As I have said, we will take under consideration anything that is suggested and I appreciate the responsible manner in which the member for Sarnia has addressed this whole concern. I appreciate, with him, that we must recognize the good work that is being done by the police forces as well in trying to overcome any sense of racial prejudice or any racial prejudice that does in fact exist.

However, whether an open, public inquiry done by the members of the justice committee is the forum of open, public inquiry that is best going to serve the need has not yet been established. There are other forums of open, public inquiry.

In fact, I believe tonight I will be much more likely to hear a request for a judicial public inquiry, which as the member knows is not held by members of the Legislature. There are forums of public inquiry that can be used. I can assure the member that whatever forum is used will be open, publicly aired and responsible to the citizens of Ontario.

#### AUTOMOBILE INSURANCE

**Mr. Kormos:** I have a question to the Premier. In April 1987, his government announced a series of initiatives which, in the words of the announcement, were designed "to protect Ontario consumers" of automobile insurance. One of those initiatives was to move "immediately to establish a consumer insurance bureau, headed by an 'insurance advocate.'" This advocate was to have a number of powers as well as the power to investigate and to publish the results of those investigations.

That advocate as well was spoken of in reference to the then-to-be-formed Ontario Automobile Insurance Board. It was said: "Consumer groups, individuals and the government, through its insurance advocate, will be able to argue their case during public hearings conducted by the board. Premium rates will no longer be determined in isolation by vested business interests."

**Mr. Speaker:** And the question?

**Mr. Kormos:** The Liberal government fact sheet released on April 23 states specifically, "The advocate will have the authority to appear before the...board."

**Mr. Speaker:** Do you have a question?

**Mr. Kormos:** Yes, Mr. Speaker. Is this but another broken promise? Where is the consumer

advocate that was indicated in April 1987 to represent consumers before the board?

**Hon. Mr. Peterson:** The superintendent of insurance continues in that role and we are looking at beefing up his responsibilities and other initiatives as well, so I think my honourable friend can rest content.

**Mr. Kormos:** I spent the morning at the board and I will spend the balance of the afternoon there. I note that the board itself commented on the lack of consumer involvement when it made its comments in the third report. The author of that report indicated it was in all likelihood due to the technical nature. That technical nature persists.

Mr. Justice Osborne, in the 1988 Osborne report, did not just urge but indicated it was essential to adequate proper board hearings that there be funding: "Without the provision of funding, I cannot see how public participation can be meaningful. Those representing the public must have access to actuarial and other experts and to industry data."

In view of that and in view of the absence of a consumer advocate, can the Premier really continue to indicate that this board is doing anything other than continuing to represent insurance company interests alone without any meaningful participation by the public?

**Hon. Mr. Peterson:** I understand my honourable friend's desire to characterize the board in the way he is, even though I do not think it is fair and I do not think it is accurate. It is an independent board, there to represent the public interest. Certain consumer groups have been funded, as my honourable friend knows, to make representations. In a sense, it is a quasi-adversarial process where they will develop the database and make determinations thereon.

If the member wants to continue, as he always will, and say it is the tool of the insurance companies or something else, then he has the right to do that. But I do not think my honourable friend, as a lawyer with some experience in the courts, is fair in making that charge.

#### RENTAL ACCOMMODATION

**Mr. Harris:** I have a question for the Minister of Housing. Now that we have given up on any hope of home ownership, I would like to talk about the possibility of renting. Last month, Canada Mortgage and Housing Corp. released figures that show the vacancy rate in almost every municipality in Ontario was down yet again. In Toronto, as well as a number of other major centres, there was effectively a zero



vacancy rate. Her own staff admit we have a severe crisis that is getting worse every day, particularly here in Metro Toronto.

There are two specific, complementary things she could have done at no cost to help the vacancy rate problem. What has the minister done to facilitate these two things: (1) home owners who want to add new rental units in their homes, and (2) groups, like single parents and students, who need to double up in groups of two, three or four in order to find affordable accommodation?

**Hon. Ms. Hošek:** Indeed, one of the things our government has, and the ministry has, is a program called convert-to-rent in which we do encourage both home owners and other people to add units to housing, whether it is existing housing or other buildings. We even have a process to help owners to do that.

One of the things we are doing with our land use policy is asking municipalities to indicate, in terms of their official plans, the areas in which home owners will be enabled to do exactly that, to add units to existing housing to make sure they have more choices in terms of the carrying costs associated with the housing they happen to live in and increase the number of units available to people at much lower cost.

**1440**

**Mr. Harris:** Convert-to-rent: I guess that is the one that was brought in by Claude Bennett, and when the minister took over was of great benefit to Huang and Danczkay.

The minister has made a commitment to home owners that she will help facilitate with the impediments they have in converting their homes to have a basement apartment or additional accommodation. The Premier (Mr. Peterson) made a commitment to single mothers and to students a year and a half ago now, I believe, that he would move to make that facilitation. Both the Premier and the minister have commitments out there. Both of those moves would be very complementary. Both would cost the government nothing. Both would make more units available and both would help with the availability of apartments.

**Mr. Speaker:** Question?

**Mr. Harris:** I ask the minister when she is going to do something to remove those impediments that exist there today to facilitate those two things.

**Hon. Ms. Hošek:** I do not want to comment on what Claude Bennett did or did not do, but I can tell the member very clearly that he did not

release the land use policy statement, which has two goals. One is to increase the supply of affordable housing in brand-new buildings; and the second is to make sure that in all communities in this province there are neighbourhoods designated in which we can better use the resources we already have, in which people can either make basement or attic apartments or do other things with the housing we currently have to increase the housing options for people in the province.

The land use policy was announced in August. We are now working actively with municipalities in the greater Toronto area. By the end of February, we will have clear statements from all the municipalities involved. By the end of March, that will be housing policy. In the interim, the Ontario Municipal Board knows very clearly where the province stands in this area and is able to rule on that basis.

#### RESEARCH AND DEVELOPMENT

**Mr. Tatham:** My question is to the Minister of Industry, Trade and Technology. Japan is Canada's second-largest trading partner, and according to the Canada-Japan Trade Council, Canada's science efforts are organized as if Canada produces a large percentage of the world's stock of science. Canada produces less than two per cent.

Japan, which is producing a rising share of the world stock of knowledge, organizes its science efforts to use and develop the 96 per cent of world knowledge it imports. Japan's government helps to organize and subsidize large research and development consortia to develop basic technologies and then lets companies on their own convert the technologies to commercial applications. Should Ontario study and apply this approach?

**Hon. Mr. Kwinter:** I am sure members will know we have established a technology fund and have contributed a fair amount of money to it. As a government, we have taken a stand whereby we are aiming, over the next 10 years, to get to the point where we dedicate 2.5 per cent of our gross domestic product to research and development. That compares with three per cent in the United States, 2.8 per cent in Japan and 1.3 per cent in Canada as a whole.

We are doing that through the centres of excellence. We have seven of them. We have put \$204 million into that. We have the industry research program. We have put \$90 million into that. We have the university research incentive fund and we have put a total of \$21 million into that, for a total of \$315 million.



We feel this is the way to go. These various programs involve universities and industries in consortia, so we can get the best input from the academic community plus the industrial community so that we can in fact become world competitive.

**Mr. Tatham:** Education establishments, schools, universities and our education bureaucrats have few resources devoted to Japan and the Japanese languages. What action should we take?

**Hon. Mr. Kwinter:** That is an area that is going to be of more and more concern to us. One of the things we are doing in the member's own riding, for example in Oxford county, is that we are having programs to make the people aware of the cultural differences between Japan and Canada, and as these new residents come in from Japan, to allow them to integrate.

There are programs, for example, in the high schools where they have an essay contest and the winner will go to Japan. That of course raises the whole level of knowledge in the community. We also have programs where we send people from Ontario not only to Japan, but to the Pacific Rim where they can learn the language, the customs and the business ethics of those particular communities. We supplement that with trade missions we take all the time. As we become more and more of an international trading partner and we start looking at the Pacific Rim, we will be doing more and more of that.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Mackenzie:** I have a question for the Premier. On November 29, Mrs. Gisele Beaton wrote to the Premier concerning the deplorable treatment she received both from the Workers' Compensation Board and her ex-employer, Presstran Industries of St. Thomas, a division of Magna International, whose chairman, Frank Stronach, was an unsuccessful candidate for the Liberal Party federally.

Mrs. Beaton was injured on September 16, 1985. The company initially never reported the injury. After finally getting the WCB benefit, she was told to go back to light duty although her medical condition made that almost impossible. She went back for one shift and the company decided to fire her because her restrictions on doing light work were too great. Is this the message the Premier and his business buddies want to send to Ontario workers, "If you get injured, you will get fired and no benefits"? What is the Premier doing for Mrs. Beaton, who wrote to him?

**Hon. Mr. Peterson:** I am sorry I cannot help my friend, but perhaps the Minister of Labour can.

**Hon. Mr. Sorbara:** I am not familiar with the specific correspondence or obviously with the case the member for Hamilton East raises, but on a more general matter of principle, the member for Hamilton East suggests that after the employee was reinstated with Magna, she was dismissed within a few days.

**Mr. Mackenzie:** One day, one shift.

**Hon. Mr. Sorbara:** Now he shouts out, "One day, one shift." I want to tell my friend the member for Hamilton East that within Bill 162 we have made provision that once a worker is reinstated, if in the course of six months the worker is dismissed for any reason, it will be presumed the worker has been dismissed in violation of the Workers' Compensation Act and then can be further reinstated.

**Mr. Mackenzie:** In view of the fact nobody seems to be responding to Mrs. Beaton's letter, I wonder if the minister is aware that just this last week, Mrs. Claudette Roy-Ackers, another employee, one of a long series, lost a finger at that plant on the same line Mrs. Beaton was supposed to go back to. Accidents at the Presstran plant in St. Thomas are a standing joke at the St. Thomas Elgin General Hospital, the joke being whether or not the weekly ambulance run to Presstran has gone out yet.

Is the minister aware this company hired professional cleaners at a cost of thousands to prepare the plant for a media conference on November 26, 1988? Is he aware that if there is going to be an air quality inspection scheduled, all welding machinery is shut down at least 24 hours in advance? Will he give us an assurance that the conditions at this plant of his big business friend Mr. Stronach are made clean and healthy for the workers?

**Hon. Mr. Sorbara:** I just want to tell my friend the member for Hamilton East that I will decide who my friends are and who my friends are not.

I want to tell him as well that if he will be kind enough to send me copies of the correspondence from both of those claimants, I will ensure appropriate responses are sent out to them. If he will do me the courtesy of sending me that correspondence tomorrow, I will determine whether answers have been sent out, and if they have not been sent out, I will ensure that happens.



The third thing I ask my friend the member for Hamilton East to do is simply to provide me with information on the facility and I will give him a full report. He should know perfectly well—

**Mr. Mackenzie:** It all went to the Premier a month ago. Why didn't you get it?

**Hon. Mr. Sorbara:** Perhaps he would just stop shouting for a moment. The member for Hamilton East should know perfectly well that no operator is given notice of inspections. If there are problems of air quality or other health and safety problems in that plant, I want to know about them. Our inspectors will be there, not by notice but when it is appropriate to inspect that plant on an urgent basis.

I look forward to hearing from him.

**1450**

#### PROPOSED HOSPITAL MERGER

**Mr. Eves:** I have a question of the Minister of Health. Is the minister aware that the first discussions regarding the merger between Wellesley Hospital and Sunnybrook Medical Centre were initiated by the then president and chief executive officer of the Sunnybrook Medical Centre, Dr. Martin Barkin?

**Hon. Mrs. Caplan:** I know that the deputy minister joined the government shortly after I became minister, which was September 29, almost 15 months ago now. Prior to that, he was the president of Sunnybrook Medical Centre, and while I am not familiar with what discussions take place at hospitals on an individual basis, I know that there were rumours of some discussions, dating back to several years ago I understand.

**Hon. Mr. Bradley:** Do I detect an innuendo?

**Mr. Eves:** No, there is no innuendo intended at all. I just want to make a very simple point that back as early as the spring of 1986, Dr. Barkin, when he was the chief executive officer and president of Sunnybrook Medical Centre, initiated discussions with respect to a possible merger of Wellesley and Sunnybrook.

In considering that this merger proposal is going to affect the delivery of health care in the community now served by Wellesley; considering that this merger proposal is going to cost the Ontario taxpayer some \$365 million, according to the proposal of the two hospitals, and at the same time will mean a reduction of somewhere in the neighbourhood of 200 beds, not to mention one of the busiest emergency rooms in Metropolitan Toronto; considering the fact that the district health council was not involved to this point in

time in the merger proposal; and in view of the fact that the individual who is now the Deputy Minister of Health would not appear to be completely objective or impartial about a merger proposal that he initiated in April 1986, would the minister commit to an independent review of this merger proposal, as officials in her ministry have done previously but she refused to do a couple of weeks ago in the Legislature? Will she now commit to an independent review by the district health council?

**Hon. Mrs. Caplan:** The information I have is that the district health council is aware of the discussions that have been ongoing. The proposal, which is a proposal from the hospitals and has been approved by the board of Sunnybrook and the board of Wellesley, as well as by the University of Toronto, is presently under review by the ministry.

It should be noted that there are many questions which must be answered, and for me, one of the most important questions—and I am assuming that, for the Health critic from the third party, this is also one of the most important questions to be answered—is will this merger improve the delivery of services for the people of Metropolitan Toronto, and as well for people of the province because provincial resources are tertiary care centres and receive referrals from around the province.

I can assure the member that, as this proposal is reviewed, it will be open to scrutiny; and as decisions are made I will be pleased to report to him in this House.

#### EMPLOYMENT EQUITY

**Mr. Daigeler:** My question is to the Minister of Consumer and Commercial Relations. Some time ago, one of my constituents brought to my attention that there are very few members of visible minorities on staff in Liquor Control Board of Ontario stores. Although I know that these jobs no longer depend on the applicants' political connections, as they used to under the Tory regime, I am sure the minister is as interested as I am to see employment equity implemented at LCBO.

May I ask the minister whether he has any statistics on this matter and whether there is a policy in place at the LCBO to bring its staff in line with the new face of Ontario?

**Hon. Mr. Wrye:** I can say to the honourable member that the LCBO is currently working very actively to make employment equity part of the corporate culture at that very large liquor distribution company. In 1987, about the same



time as we were doing the I Count survey within the Ontario public survey, the LCBO conducted a similar survey to check out the employment situation within the LCBO. I cannot remember all of the figures, but I can tell the honourable member that in terms of, for example, visible minorities, the figure was slightly above the Ontario average.

That notwithstanding, the LCBO has begun to put together a database so that it can look at and measure the progress of employment equity for visible minorities, for women, for francophones, for the disabled and for native people. It intends to measure that progress in the years to come. It is very committed to making progress in the area of employment equity.

**Mr. Daigeler:** I thank the minister and I look forward to these reports. I do hope that he will keep the members up to date on these developments.

As I mentioned, there have been changes in the hiring procedures for LCBO jobs. Can the minister inform the people of this province how the hiring process now works, and can he give us an assurance that it is fair and square?

**Hon. Mr. Wrye:** I can say to the honourable gentleman, because we have reviewed this on a number of occasions, that we do have within the LCBO hiring practices that are in accordance with the collective agreement that is in place at the LCBO; we do have hiring practices which today in that organization are fair and square. We have very carefully looked within that organization at hiring practices and we are now following those which are currently in use within the Ontario government.

Specifically, we now have in place selection panels for all hiring, and we have objective criteria put in place for all job selection. I can assure my friend and I can assure all of those who may be interested in jobs at the LCBO that we do have a fair deal for all of those who want to be hired, and that people are today hired entirely on merit and not for other reasons, as may have been the case in the past.

#### MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT

**Mrs. Grier:** Last week the Minister of the Environment released a report showing that, under the monitoring program of the municipal-industrial strategy for abatement, dioxins and furans have been found in waste water from Shell's refinery near Sarnia. The minister's press release goes on to say, "The monitoring program...will be followed by an abatement regula-

tion setting tough, legally enforceable discharge limits for the pollutants we find."

Can the minister tell the House when that abatement regulation will be in place?

**Hon. Mr. Bradley:** It should follow the petroleum refining regulation. As far as monitoring is concerned, that is in place. Of course, one of the advantages of it was that the broad scan and the specific instructions that were given—both of those put together—in fact identified contaminants that no one in this world seemed to think could possibly be in this particular stream—that is, the stream of the petroleum refining operations. It certainly points out the benefits.

I expect that the abatement regulation will follow immediately after the full process of the monitoring regulation. That is, of course, that they must identify each and every possible contaminant that comes out of the refining process. When they have identified those, then they must point out those actions they will take.

They may not be direct abatement actions. They may be process changes that will take place. That would be immediately after they have, in effect, identified all of that stream, because you do not want to put the abatement regulation in place until you have identified all of the potential contaminants that exist. Otherwise, you will be doing it on a hodgepodge basis instead of a very appropriate basis.

**Mrs. Grier:** The minister certainly did not answer my question, but he did confirm my suspicions. I do not think there is a single member on the government side of this House who at some point has not quoted MISA as being the answer to all our environmental woes. Every time there is a spill or toxic contaminants are found, we are told that MISA is going to be the ultimate solution.

When the minister first introduced MISA, his target date for completion was early 1989, when he said the complete abatement program for eight industrial sectors would be in place. By last fall, the target date had moved to November 1989. I am now told that the abatement regulation I asked him about in my first question will not be in place until January 1990, and that will be the first abatement regulation under MISA.

Will the minister finally acknowledge that his MISA program is at least two years behind schedule and that, in the interim, it is business as usual for the polluters of this province?

**1500**

**Hon. Mr. Bradley:** I would not agree with the assessment the member makes. I expect that, as an opposition member, she is going to be suitably



critical of the efforts that the government is undertaking.

I do want to indicate to her that virtually every jurisdiction I know of is looking very carefully at the experience that we in Ontario are having. I do not want to overstate the fact, but we are considered to be substantially ahead of most other jurisdictions that exist in North America in terms of the municipal-industrial strategy for abatement.

The member would know, for instance, that many of her friends at the municipal level are being critical of the fact that we do not give sufficient time for response. There are those in environmental groups who I know want to have the opportunity to have their input into the regulations.

To mention the one she did, one year of sampling should be followed immediately by an abatement regulation. The discussions on the abatement begin when we have six months of monitoring data in hand. We want to make sure we know all of the contaminants, not pick out a hodgepodge of this one and that one and the lumps and the colours. We want to know up to 180 contaminants that might be coming out of any particular industrial sector. That goes through the technical advisory committee. It goes through the MISA advisory committee.

#### SKYDOME

**Mr. Cousens:** In the absence of the Premier (Mr. Peterson), I will ask this question of the Deputy Premier. Last Thursday, in the estimates for the Ministry of Municipal Affairs, we had as a presenter the Premier's special adviser on waterfront development.

I was asking him about the problems that will impact drivers of cars to the SkyDome, the 15,000 to 20,000 people who will be trying to gain access to the dome, about the need for better commuter service for those who will be using GO Transit and public transit services, just the whole problem of parking, traffic and commuters. I was asking him who from the province was co-ordinating the province's concerns for helping move people in and out of the dome. He did not know who was responsible for these things. Can the Deputy Premier tell us?

**Hon. R. F. Nixon:** I thought when our mutual friend Bill Davis decided the dome would be in that location that he made the right decision. That has been followed up by the construction, which is going along very well indeed. The chairman of the board and the president of the corporation have been leading very capable people—without

mentioning names; the member could name many of them himself—who have had this as a major concern.

I think if the member read the Toronto Star on Saturday, he would have seen a two-page spread on the decisions associated with the dome. They dealt with parking there. I believe that the Stadium Corp. of Ontario Ltd. understands that one of its major responsibilities is to see that the citizens who are extremely interested in participating in what goes on in the dome are going to be able to get there comfortably and on time and enjoy all of the facilities and recreation that are going to be there established.

**Mr. Cousens:** I guess the answer is that the honourable Deputy Premier does not know who is responsible. Yet on June 3, when the official opening of the dome takes place, chaos is going to erupt. The president of the SkyDome corporation attended the meeting of the standing committee on public accounts a few weeks ago and, in answer to my questions about parking and traffic, said that parking facilities and the traffic will be extremely limited. The light rail transit will not be operational until the fall. There is no commitment by the province to expand GO Transit services yet. There is no comprehensive plan for transportation in and out of the dome, so those who drive their cars are going to have massive problems.

Where is the leadership on traffic and transportation coming from in the Premier's office and the Ontario government, especially since the special adviser on waterfront activities does not know who is in charge?

**Hon. R. F. Nixon:** Obviously, the SkyDome corporation has a vested interest in seeing that its clients and its customers are going to be able to have ready access to the dome. The honourable member, who has obviously been attending all the committee meetings, may not have been absorbing all the information that was available, but it is generally known that there are close to 18,000 parking places within 1,200 metres of the dome. While that may not suit everybody in Markham—they tend to drive pretty big cars from up there—my own feeling is that it is going to be reasonably well looked after.

The honourable member is predicting doom and gloom. He may be right. As for me, I am quite optimistic that the services will be well established and that the good people of Toronto and Ontario and North America are going to be well served. As a matter of fact, I should have said "the world," because it is where the world comes to play.



## ROAD SAFETY

**Mr. Neumann:** My question is for the Minister of Transportation. The minister is well aware that the Highway 403-Highway 401 interchange near Woodstock has now been open for several months following the completion of the western link of Highway 403. The opening of this interchange has led to a noticeable increase in traffic along Highway 2 between Brantford and Ancaster. This particular highway has been experiencing increasingly heavy traffic over the past several years.

My question to the minister is, what can the Ministry of Transportation do to ensure that highway safety does not further deteriorate with increased traffic?

**Hon. Mr. Fulton:** I welcome the member's questions. I have been very aware of his interest for many years, both as member and as the former mayor of Brantford. We were only too pleased to attend, along with colleagues from the general area, the opening of the Highway 401-Highway 403 interchange that he indicated in his question.

Of course, the whole subject of Highway 403 goes back to the days when a previous government used to promise highways. It predated this government's actually building highways. It is only a minor difference; it is a small difference but a very important one.

We are taking a number of steps with respect to highway safety and a number of mechanical things are being put in place, with improved markings, improved raised-pavement markers and improved enforcement.

I have personally driven the section of highway the member refers to and concur with him that there is need for special attention. He certainly has our assurance that it will receive that attention.

**Mr. Neumann:** My supplementary relates to the construction of the unfinished portion of Highway 403, because the completion of Highway 403 between Brantford and Ancaster is the ultimate solution to eliminating the safety problems on the current Highway 2. This project is presently scheduled to see a start of construction in 1989. In view of the fact that we are approaching the end of 1988, can the minister assure the people of southwestern Ontario, who must travel these roads, that they will actually see the start of construction in 1989, as planned?

**Hon. Mr. Fulton:** The member is aware of the very high priority this government placed on certain projects when it took office some three

years ago, and certainly the extension of Highway 403 from Ancaster to Woodstock and Brampton was one of them. Not only is one of those links completed but I can give the member the assurance that this very high priority will, in fact, start on schedule, as we previously announced, in the spring of 1989.

## POLE TRAPPING

**Mr. Wildman:** I have a question of the Minister of Natural Resources regarding illegal pole trapping, specifically at Kortright Waterfowl Park. The minister will recall that during the debate of his estimates on December 1, I asked his officials about this particular problem and asked if they could assure the members that there was no further pole trapping being done at that park. In response, Mr. Christie of his ministry indicated that there were no pole traps set, that pole trapping was contrary to the Game and Fish Act and that charges had been laid.

If that is the case, how can the minister explain that there is still pole trapping being done at Kortright Waterfowl Park and that the charges that were laid were not for illegal pole trapping but simply for trapping without a licence? Why is it there was not a follow-up to the complaint that was made in July to ensure, first, that this pole trapping did not continue; and second, that the waterfowl that were being protected were protected by a covered pen, since their wings were clipped anyway, so that they would then not be subject to attacks by predators?

**Hon. Mr. Kerrio:** Of course, the member has the information correct. There were in fact charges laid, and it was understood that that would put a stop to the pole trapping. The reason the charges were laid specifically as they were was that there is some question about the ability of our ministry to stop pole trapping in the sense that there are some sections of the act that would allow for those people, where there is a threat to the game that they are protecting, to be able to enter into the kind of charges being laid and convictions subsequent to the charges being laid.

While we were specific about going in the direction we did—we seized the traps, there were charges laid—when the member brings forward subsequent involvement, he will understand that we would not, after laying charges and seizing the traps, stand by to see if some individual may go on and do something illegal.

It is too bad that we have run out of time. If I had noticed the clock sooner, I would have given the individual an opportunity for a subsequent



question, but I will share with him outside the Legislature the facts of the case.

1510

## PETITIONS

### ANIMALS FOR RESEARCH

**Mr. Wildman:** I have a further petition related to Bill 190, which was debated and passed in the House on Thursday. This petition is signed by 9,000 more residents of Ontario, bringing the total now to approximately 29,000 people who have signed this petition.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:...we, the undersigned, beg leave to petition the parliament of Ontario to pass into law a bill prohibiting the use of animals in cosmetic and product testing."

**Mr. Speaker:** Perhaps we will just wait until the private conversations tone down a little.

### LIMITATIONS ACT

**Mr. D. R. Cooke:** I have a petition with 102 names on it. It is addressed:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas our civil law as it currently stands defines sexual molestation as assault, and

"Whereas all assault is subject to a four-year statute of limitations,

"We believe no limitation period should apply in cases of intrafamilial and/or incestuous sexual molestation since it takes an indeterminate number of years for the victim to come to know the impact of the molestation.

"Therefore, we petition the Legislature to:

"Introduce legislation that would guarantee victims of intrafamilial and/or incestuous sexual molestation the right to bring civil action against their perpetrators without time limitations."

### TEACHERS' SUPERANNUATION FUND

**Mr. Hampton:** I have a petition.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

"The proposed amendment would make the five-year criteria applicable to all retired teachers

and would eliminate the present inequitable treatment."

This petition has been signed by 252 teachers who are currently teaching who support the request of the retired teachers.

### PUBLIC SECTOR PENSION PLANS

**Mr. Reyecraft:** I have a petition addressed:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Our pensions come out of our paycheques and determine our future. We want a say over how our money gets used, so we can get a fair return on our savings and turn extra earnings into improved benefits. We want to keep our pensions indexed. We want the same rights as private sector workers and unions to negotiate our pensions."

The petition is signed by 115 individuals from Pembroke, Eganville, Golden Lake, Cormac and other points in eastern Ontario, and by me.

### RETAIL STORE HOURS

**Mr. Laughren:** I have a petition to the ruling class in Ontario.

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"In recognition of the importance of a day of pause in our Canadian society, we ask that the Retail Business Holidays Act be maintained and strengthened, that the act remain under the jurisdiction of the Ontario Legislature rather than be transferred to local municipalities for administration."

I have signed that petition as well.

## REPORT BY COMMITTEE

### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr. Neumann from the standing committee on social development reported the following resolution:

That supply in the following amount and to defray the expenses of the Office responsible for Senior Citizens' Affairs be granted to Her Majesty for the fiscal year ending March 31, 1989:

Office responsible for Senior Citizens' Affairs program, \$9,283,600.

## MOTIONS

**Hon. Mr. Sweeney:** In the temporary absence of the government House leader, I have two motions.

## ESTIMATES

Hon. Mr. Sweeney moved that in the committee of supply the estimates of the Management Board of Cabinet be considered before the estimates of the Ministry of Government Services.

**Mr. Speaker:** You are all aware of the motion. Is it the pleasure of the House that the motion carry?

**Some hon. members:** No.

**Mr. Speaker:** All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Motion agreed to.

**Mr. Speaker:** Do you have a further motion?

**Hon. Mr. Sweeney:** I understand there has been concurrence by the two opposition parties for this next motion.

## EARTHQUAKE IN ARMENIA

Hon. Mr. Sweeney moved that the Canadian and Ontario flags on the front lawn of the Parliament Building be flown at half-mast for today, Monday, December 12, 1988, in remembrance of those who lost their lives in the Armenian earthquake.

Motion agreed to.

## INTRODUCTION OF BILLS

REGIONAL MUNICIPALITY OF SUDBURY  
AMENDMENT ACT

Hon. Mr. Eakins moved first reading of Bill 197, An Act to amend the Regional Municipality of Sudbury Act.

Motion agreed to.

**Hon. Mr. Eakins:** This legislation proposes two minor amendments to the Regional Municipality of Sudbury Act. The present legislation requires a reassessment of all properties in 1988 for taxation in 1989. These amendments will permit a one-year deferral of the assessment update to 1989 for taxation in 1990. This one-year delay of the second assessment update has been requested by the council in the regional municipality of Sudbury and by several of the area municipalities.

## LIMITATIONS AMENDMENT ACT

Mr. D. R. Cooke moved first reading of Bill 198, An Act to amend the Limitations Act.

Motion agreed to.

**Mr. D. R. Cooke:** The purpose of this bill is to extend the limitation period for an action arising from sexual abuse or sexual assault to the later of two following time periods: 20 years after the cause of action arose or 10 years after the time the person bringing the action discovers that the injury was caused by the sexual abuse or sexual assault and is no longer rendered unable to bring the action by the injury.

1520

## ORDERS OF THE DAY

House in committee of supply.

ESTIMATES,  
MANAGEMENT BOARD OF CABINET

**Hon. Mr. Elston:** Mr. Chairman, if it is all right with everyone here, I wonder if it is okay to have my assistants accompany me here on the floor of the House.

Agreed to.

**Mr. Philip:** Does that mean that I am allowed to have all of my research staff sitting in front of me as well in order to balance the equation?

**Mr. Chairman:** Unfortunately, it does not.

**Hon. Mr. Elston:** With the way that the opposition parties are currently funded for their research staff, they certainly would be able to more than overwhelm the small number of government servants that we have available to assist us I am sure.

**Mr. Chairman:** Now that we are all comfortably installed where we want to sit, could you tell me how you would like to proceed with the examination of the votes? Separate or a consideration at the end altogether?

**Mr. Philip:** At the end altogether.

**Mr. Chairman:** At the end altogether?

Agreed to.

**Hon. Mr. Elston:** Mr. Chairman, I want to thank you for presiding over this set of estimates on short notice, having just had the motion put to move our estimates ahead of those of my colleague the Minister of Government Services (Mr. Patten). I want to extend a thank you to my critics for being ready to take on this role at rather short notice.

I had a brief opening set of remarks, which I am sure will be of interest to set the tone for some questions which will arise in the course of the four hours of estimates time that we have available to examine what my staff and assistants, the Deputy Minister of Human Resources, Elaine Todres, and the secretary of Management



Board, John Sloan, have modestly indicated as the most essential function in government these days.

We will be examining, very briefly, the overview of the world as we see it from Management Board and some of the areas in which we think we are providing a high level of performance, but indicating our intention to improve upon our performance levels and move forward to do many other things in a much more efficient and effective manner; in fact, indicating to the public of this province that we are prepared not only to proceed with our usual good management style but also to listen to and incorporate any new ideas that are made available to us which will enhance and heighten our management skills and abilities.

We have for the fiscal year 1988-89 several tasks ahead of us, and for Management Board of Cabinet it is almost a new world in many ways because of the increased level of activity that we find in areas in which we never have participated before, in becoming a catalyst for delivering corporate policies.

As everyone knows, just to set the scene, we have in Management Board three areas of responsibility: the Management Board secretariat, the human resources secretariat and the Civil Service Commission. Of course, all of those report to me as Chairman of the Management Board. The board is given support by the staff of the secretariats under the direction of the deputies whom I named earlier.

The secretariats and commission have a shared responsibility to provide leadership and support both in the application of efficient management practices and in the development and organization of our vital human resources throughout government. Government—no different from the private sector today—will see that good management style and technique, coupled with the timely and efficient management of our human resource, is going to be the key to making sure that the government of Ontario performs at a very high level indeed.

There are also a number of areas that the Management Board secretariat manages, which are quite a lot less visible but are vital to the operation of government. I would like to focus on these for the committee for the moment. These include items such as freedom of information, the Advertising Review Board and information technology which, as I am sure all members are aware, is of increasing importance not only to government but also to all parts of our society as

we see ourselves moving ahead into a much more modern communication era.

Almost a year ago, the province implemented one of the most important pieces of legislation in the history of the province. I am speaking about the Freedom of Information and Protection of Privacy Act. I believe this act will have a profound effect upon how the government of Ontario serves the people of the province. I might go so far as to say that we have already seen the positive implications of having a Freedom of Information and Protection of Privacy Act in the province.

At the same time as we must be seen to be acting in an atmosphere of openness and co-operation, government must also be mindful of the need to protect information that is collected by the government concerning the people who live and work in the province. Since its introduction into the government's ministries, agencies, boards and commissions on January 1 of this year, the process of implementing this new legislation has gone quite well indeed.

On January 1, 1989, the act will extend its coverage to include district health councils and colleges of applied arts and technology. Further extension to local government is mandated for 1991. It includes not only our municipalities but also local government organizations ranging from school boards and police commissions to transit and utility service and public health boards.

An example of how the public has taken to this act can be reflected in statistics for the first nine months of 1988. Almost 3,800 requests for either general records data or personal information were received by ministry staff. Of the requests for personal information, the vast majority were disclosed to the individual and information was provided within the 30-day time limit. I can assure members that freedom of information and protection of privacy is quickly becoming an integral part of our government's operation.

As an indication of how much interest has been generated by this legislation, a forum we hosted through the Management Board to deal with the expansion of freedom of information and protection of privacy into the municipal and other related areas was held recently and was oversubscribed to, compared with what we had felt would have been the interest. In addition to that oversubscription, a large number of people were turned away because we had not booked a large enough place to hold the function.

I can tell members that not only at the provincial level but also at the municipal and



local levels, freedom of information has become a very interesting concept for the province as a whole. I think that augurs well for the creation of the atmosphere of a very efficient and forward-looking democratic process in the province.

The second area that I would like to take a look at briefly is the Advertising Review Board. As everyone here knows, this is an independent body that encourages the rotation of government advertising business among qualified companies and oversees the public tendering of major contracts.

We are committed to increased fairness and cost-effectiveness in the area of government advertising, and it is in this regard that heightened competition, such as the one going on now for the English-speaking agency of record, has developed into advertising contracts that are more open and more fair. This is a concept of value for money through increased competition.

As a matter of interest, the Advertising Review Board has been approached by other governments, federally and provincially, to learn from our expertise with the view of adapting our process to their particular needs. Ontario has such a diverse cultural heritage that it is essential that communication with people be maintained in a number of languages. That is why the Advertising Review Board also ensures that regular announcements are promoted through the ethnic agency of record.

### 1530

I should point out that although the Provincial Auditor, in his report for fiscal year 1987-88, emphasized concern on a number of subjects related to the Advertising Review Board, I can assure you that we have already taken corrective measures. While there are some instances where inadequate records were maintained on file in certain areas and there was no documentation, the auditor did indicate a general acceptance of the process of selection initiated by the Advertising Review Board. We have also met with and encouraged ministries, even assisted them where possible, to expedite their payments in order to take full advantage of media payment discounts.

I would like to turn just briefly now to advances in information technology which have drawn our attention to the need for increased direction and leadership through our information technology division. This year a comprehensive new policy framework requires all ministries of the Ontario government to complete long-range technology plans. Management Board approval for these plans is mandatory. Particular attention is paid to ensuring that the technology solutions

documented in the plans are linked to and address prioritized business needs. Deputy ministers are required to ensure that the approved plans are carried out and are required to report back to the board on their achievements annually.

Long before it became an issue in the media, we had been working on improving computer-related security. This year we approved and issued a new information security strategy. The document defines the fundamental principles upon which future security directives will be based. In the meantime, progress with our existing directives have allowed us to avoid significant security problems.

Further improvements in the government's computer-related security will continue to be a high priority item. We must ensure that the information entrusted to our care is protected from abuse and yet remains available to those who have a right to access or share it. Information has become a powerful resource in the management and delivery of services in the modern world. Managed with foresight and sensitivity, I believe that information technology can help us to deliver significant improvements in program and organizational effectiveness.

An open and fair government also means a government where employment opportunities are available equally to all people. Access for all target groups to positions at all levels in the public service is an objective to which the government is strongly committed.

I now want to talk about some of the initiatives the Civil Service Commission and the human resources secretariat are undertaking concerning the people who work in the Ontario public service. For instance, I have recently announced that smoking will no longer be permitted in the Ontario public service in schedule 1 agency workplaces as of March 31, 1989. This policy reflects our commitment to providing employees with a healthy and pleasant working environment. Achieving a smoke-free workplace will be beneficial for people, but it will not be easy. Therefore, as part of this initiative, we will be offering assistance to those employees who wish to enrol in smoking cessation programs.

The Ontario public service is a diverse and complex organization with more than 80,000 employees working in literally thousands of locations across the province. As an employer and as a government, we know that delivering services to the public in a responsive and responsible manner depends on these individual employees. As a government, we recognize the importance of managing the public service in a



way that ensures the responsible delivery of all of these services in a quality fashion to the public.

We believe that the way to achieve this is through maximizing the initiative and creativity of all of our employees. This means ensuring the fair treatment, personal growth and development of each individual within the context of perspectives such as the following: ensuring that opportunities to work in the public service are open and accessible to everyone, and achieving a public service that is more reflective of the public we serve, while keeping in mind our overall goal of the responsible use of public funds.

In short, we are working to be both a prudent and a model employer. To achieve this as a government, we have made a major commitment to our employees and to the public through improved human resources policies and practices in the Ontario public service. This commitment began in 1986 with our reorganization of the responsibilities for human resources management and personnel administration in the public service, responsibilities which had traditionally been undertaken by the Civil Service Commission and which now rest with the human resources secretariat.

As a result of this reorganization, the Civil Service Commission's mandate now focuses on ensuring the responsible administration of the public service. This includes monitoring and reporting on the performance of the government as an employer, particularly concerning the merit principle and the promotion of corporate values. Continuing our commitment to improve the effectiveness of human resource management in government, a further reorganization of responsibilities occurred in September of this year. The deputy minister of the human resources secretariat now also chairs the Civil Service Commission.

The commission has been active in recent months in reviewing the Public Service Act with a view to reflecting changes in human resources management and to achieve greater accountability, efficiency and effectiveness throughout the public service. This responsibility has now been assumed by the human resources secretariat. The human resources secretariat is taking the lead in developing strategic human resources policies and practices for the Ontario public service. This, we believe, will foster excellence in the delivery of services to the public throughout Ontario.

In 1987, we established the framework for fulfilling our commitment to improve human resources management in the Ontario public service with the introduction by the human

resources secretariat of the strategies for renewal program. The program set in place for the very first time a corporate human resources planning process for the Ontario public service. Strategies for renewal established three strategic directions for the public service: revitalize, reshape and redeploy.

Under this program, each year Management Board sets corporate objectives for human resources management in the public service. Each ministry, in turn, is required to submit an annual action plan to the board describing how it will support the achievement of the corporate objectives.

Having a human resources planning process in the public service benefits both the public and our employees. It helps ensure that our public service has the skills to respond effectively to new and emerging service delivery needs. Better human resources planning also promotes a working environment that maximizes the initiative and the creativity of our employees and supports individual employees' personal growth and development.

As I have already indicated, we are committed to creating a more open and accessible public service, one that is more reflective of the public it serves. Accordingly, in 1987 we introduced a mandatory employment equity program for the Ontario public service. The program in the Ontario public service is being undertaken in partnership with the Ontario Public Service Employees Union. The program covers five designated groups: aboriginal people, racial minorities, francophones, people with disabilities and women. In order to ensure that the employment equity program reflects the needs of all five designated groups, the government as an employer has consulted with more than 70 community groups from across the province.

Employment equity is an integral part of good human resource management whether in the public or private sector. I think all we have to do is look at the number of management and business-type publications which have been stressing the successes achieved by a number of people who have promoted and made use of employment equity programs to achieve new levels of management skill and benefits to the corporation. Therefore, ministries are required to include employment equity initiatives in the annual strategies for renewal action plans which they submit to Management Board.

As a part of its program to eliminate systemic barriers, the human resources secretariat has been developing corporate staffing policies to



improve the recruitment and advancement opportunities of designated groups. The human resources secretariat will also be providing orientation and training programs to familiarize public service managers with the requirements of the employment equity program and how to achieve the requirements. Employment equity principles are also being incorporated into our existing training programs.

As one of the largest employers in Ontario, we are among the first organizations to implement pay equity legislation and I am pleased to report that work is well under way. As the members know, the underlying premise of the Pay Equity Act is that systemic discrimination can only be corrected through an action-oriented policy. The Ontario Public Service Employees Union, the major bargaining unit within the public service, and the pay equity section of the human resources secretariat are currently working together to develop the gender-neutral job comparison system which will be used to develop the pay equity plan for bargaining unit employees. Additional plans will cover employees in the non-bargaining-unit job classes.

1540

In meeting the legislative requirement to negotiate the pay equity plan for bargaining unit employees with the bargaining unit, our operating principle is one of negotiation and partnership in communication. This partnership encompasses the design of information-gathering tools, the content and testing of questionnaires, the implementation phase and the joint communication about our approach to all employees of the Ontario public service. Other communication efforts include use of internal employee publications and consultation with the ministries through a pay equity resource committee comprising senior human resource officers.

I am also pleased to report a great deal of progress in the technical components of the pay equity methodology—methodology. Early in the new year, a questionnaire will be used to gather information about male—

**Mr. Breaugh:** You were right the first time.

**Hon. Mr. Elston:** The member means “methodology” was not a correct reading of my material here? I have always been prompted from time to time to admire the timely and corrective interjections of the member for Oshawa who, having been here for a number of years, has seen a number of estimates brought before if not this supply committee, certainly other committees of the Legislative Assembly. Without being too bold, I can probably predict that his influence has

been, without variance, of a consistent and long-standing nature.

**Mr. Philip:** What did you say? Would you like to repeat that?

**Hon. Mr. Elston:** His impact has been consistent.

Early in the new year, as I said before I was so—

**Mr. Breaugh:** Boldly interrupted.

**Hon. Mr. Elston:** “Boldly interrupted” is a very good description.

I was talking about a questionnaire which was proceeding to address the new “methodology”—methodology, yes—about which I was corrected before. Early in the new year, this questionnaire will address exactly those things about which I just spoke. The questionnaire will be used to gather information about male- and female-predominated job classes. Once completed, a computer-based analysis of this information will be done to determine how the job factors of skill, effort, responsibility and working conditions should be revalued in female-dominated pay classes to achieve pay equity.

Over the past year, we have also moved to strengthen the relationship between the Management Board secretariat and the human resources secretariat and thus ensure a more integrated approach to the advice which the two secretariats provide to Management Board.

In conclusion, I believe we have opened a path which will make government more accessible and fair, more productive and efficient and more responsive and accountable. This will further strengthen the confidence held by the people of Ontario in their government and will give public servants a clearer and more productive working climate.

With the exception of some responses perhaps to the opening remarks by my critics, those are my opening statements. I would like to tell the members that I am looking forward to the opportunity to answer some of the questions in the policy areas which I have not been able to really address in these brief remarks.

I have traditionally been rather brief in my opening and have not attempted, obviously, to cover all the areas in which we have a major role to play in the Management Board secretariat, the human resources secretariat and the Civil Service Commission. That does not speak, in any way, to remove from those areas which I did not highlight the degree of importance with which I approach the carrying out of those functions as well.



Needless to say, the areas in the Management Board secretariat, the human resources secretariat and the Civil Service Commission are much broader than the four hours will probably give us time to get into, but I do look forward to dealing in more detail with the areas which my critic colleagues have decided to approach in the examination of this rather small budget for the important work which we carry out.

**Mr. Philip:** I hope members will forgive me, because of my cold, if I am not as loud as I usually am or have been in the past. However, I do want to make a few comments on the opening statement and indeed on the whole area of Management Board.

I would like to congratulate the minister on his new portfolio. As has been pointed out by a number of journalists, this portfolio is probably third in importance to the Treasurer (Mr. R. F. Nixon) and the Premier (Mr. Peterson), since, if it fails, then the whole process of managing the government fails.

As this is my first opportunity to deal with these estimates in my new role as chairman of the standing committee on public accounts, I would like to put on the record a few of my concerns about the trinity or the relationship between the role of public accounts, the role of the Provincial Auditor and the public accounts committee with Management Board or the internal audit function; and, last, with the third set of processes I think we have to be concerned about, namely, the estimates process. I hope we might have some dialogue on the estimates process.

I also want to deal with another area of management which I am very concerned about; that is, the whole problem of the increasing costs of the regulatory system and the lack of control we seem to have and which governments generally seem to have over that process.

I believe the public accounts committee shares a common goal with the internal auditors in the government and with Management Board in this regard. I think both strive to ensure the best possible management and use of the taxpayers' dollar. I think we also face common challenges of increasing government spending, of greater complexity in our society, and greater complexity and breadth in the scope of activities in the light of financial constraints that are now placed upon us.

I guess this means that Management Board and public accounts and the estimates process have to deal with the problem of increasingly being able to do more with less. In recent years, the Ontario public accounts committee has expanded its role

while its procedures and approaches have evolved fairly rapidly.

This evolution is taking place in a context of a series of parliamentary reforms both in Ontario and throughout the world; perhaps later in the estimates I will have an opportunity to suggest that some of the reforms taking place elsewhere might be seriously looked at by the Chairman of Management Board.

A current reform being proposed by both the Ontario public accounts committee and our federal counterpart is the strengthening of the estimates process, and I would like to deal with that sometime during these estimates.

Although these proposals have given rise to some concern, I think it should be noted that other changes, which seem now to be accepted generally or which are at least of interest in different jurisdictions, were seen as radical a few years ago and are now being accepted and/or looked at more closely by a variety of jurisdictions.

Some people have pointed out that the changes I have been advocating shift some power from the executive wing of government to parliament and that this moves us towards a more congressional system similar to that of the United States. I think it can be argued, however, that the reforms we have been suggesting and the public accounts committee has been proposing, which indeed the federal public accounts committee has been proposing, take into account that we must blend some of the best processes of the congressional system with that of the parliamentary system if we are not to simply have the civil service run the whole show.

There are problems, I think, which can be resolved by consensus, by most reasonable people regardless of political party. In a society that is becoming increasingly complex, it makes less and less sense that these problems be resolved in a confrontational manner along party lines.

**1550**

I think that political parties of both the left and the right at least give lipservice to the concerns about increasing deficits, about programs that do not meet objectives, and various examples of waste and mismanagement have been attacked by members of all three parties, and indeed, by the government members themselves, in various committees. I think it can be contended that by adopting a less partisan approach to some of the spending matters, we in fact may reach a number of efficiencies and have moneys left to deal with



those important things that are so demanding on the public purse.

Most of the advances have taken place in the past decade, if we read the literature, following the reforms of the Audit Act in 1978. These reforms gave the Provincial Auditor the power to audit most crown agencies and thus gave the standing committee on public accounts a means to hold a vast area of government accountable.

Another critical change was the addition of the value-for-money mandate in the Audit Act, allowing Ontario to take its place as the forerunner of comprehensive auditing.

A third change gave the public accounts committee the power to request the Provincial Auditor to undertake special assignments, a power that is still not shared by most jurisdictions. During the past decade, the Ontario public accounts committee has used this broader mandate to break new ground in a number of areas. The power to request the Provincial Auditor to conduct reviews has been particularly valuable in allowing innovative and wide-ranging inquiries—for example, our recent inquiry into the domed stadium, which I believe has resulted in a considerable saving to the taxpayers of Ontario.

Our committee has also actively sought to make its procedures and approaches more effective, and several features of its recent options have helped to strengthen the effectiveness in closing the loop in the accountability cycle. Our committee, as members know, has developed a number of innovations that I believe do hold this government more accountable. These include excellent research being provided to our committee and proper briefings to the committee before hearings.

The committee is also supported in our work by the Provincial Auditor, who, as an officer of the Legislative Assembly, has the staff, resources and professional expertise to delve into public accounts and a full range of government activities and to point out concerns about financial management and accountability.

Our committee has also moved to a system of immediate reports on most matters, and I would be interested in hearing the opinions of the Chairman of Management Board (Mr. Elston) as to whether he feels that this has been useful to him from an internal audit point of view, since it deals with matters on a timely basis and sets certain time frames in which we would expect that the individual ministry report back and, indeed, time frames in which we would like the individual ministry to implement our recommendations.

During 1988, our committee applied these procedures in a wide range of inquiries arising from the auditor's 1987 report. In particular, we were concerned about the internal audit system throughout the government. In February 1988, the committee questioned officials of Management Board secretariat regarding the auditor's concern about the quality of internal audit operations throughout the government, and its findings were set out in the fifth interim report, tabled on September 22, 1988.

In his report, the auditor had found that substantial progress had been made since 1980, but he simply was not satisfied with where we were at this point in time. He found that the actual performance of work still showed scope for improvement. Output was falling well short of plans, working papers were deficient, a systems-based approach was seldom used and weaknesses in the reports were preventing them from achieving their potential impacts. The Provincial Auditor also concluded that his office could rely on the performance of only four out of the 15 ministries.

I say to the Chairman of Management Board that is simply not good enough. I do not accept the statement that was made to me by one fairly highly placed public servant, who, at a comprehensive auditing foundation convention I was addressing in Montreal, said, "Well, the auditor's standards are too high."

I say to the members that those standards were accepted by the internal auditors in 1980. They are world standards accepted internationally, and the standards of the auditor are no different from the standards used by other jurisdictions at the present time.

The auditor also noted discrepancies among the ministries in the number and qualifications of the audit staff and deficiencies in the management of audit staff. His report stated that the basic audit skills needed to be upgraded, staff motivation was low, systems to assign, monitor and control staff were deficient and staff evaluations were inadequate.

In our report, our committee mentioned that while progress was being made, we called for various initiatives, and I would like the minister to respond to these. These initiatives included the development and implementation of a directive to transfer payments, a guide to value-for-money auditing and a series of companion audit guides to Management Board directives.

The committee also called for Management Board to give high priority to enhancing and supporting the work of the internal auditor's



counsel. Our committee felt that some of the problems identified by the auditor might have arisen from a lack of information within the ministries on their own on how their resources, activities and performances compared with those of other ministries.

Consequently, to achieve these improvements, the committee recommended that Management Board develop and implement a government-wide annual internal plan, which would include a listing and prioritization of the government's audit universe, a report on the progress of the previous year's plan, a comparative analysis of ministries' performances and an assessment of the government-wide allocation of the audit staff in light of the plan's priorities.

The committee recognized that the morale and management problems noted by the auditor were not unique in the internal audit field but rather are experienced by most specialized staff functions in government.

We believed, however, that these problems could be changed, or at least helped somewhat, by measures to improve career mobility and to increase opportunities for job enrichment and personal development. The committee felt that this could be best achieved by diversifying career opportunities and by increasing interchanges among the various ministries and other bodies external of the government.

To explore options by which these goals might be achieved, we called for Management Board to report to the committee by March 31, 1989, on the feasibility of a greater degree of centralization of the audit function, including views on the options of a supplementary central unit, a centralized personnel system and a complete centralization of the audit function. As well, our committee called for Management Board to complete its review of the need for additional audit resources.

We also recommended that as part of this review, Management Board should develop an inventory of human resources in the audit area and actively use it to assist ministries to overcome weaknesses in the quality and the qualifications of their audit staff and to provide career development and opportunities for that audit staff.

**1600**

I think it is essential that these improvements be achieved, for significant challenges lie ahead for internal audit professionals in government. These challenges have several dimensions. The audit universe is expanding to require a far greater degree of accountability for transfer

payments. Tax expenditures will likely be the next major area to receive closer scrutiny. As well, the scope of the internal audit work is increasingly taking in value-for-money matters as well as financial and compliance matters.

Simultaneously with the expansion of the audit universe and the type of review, external bodies such as the Legislature are increasingly interested in accountability requirements. These various developments were subject to the ninth annual conference of the Canadian Comprehensive Auditing Foundation, held two weeks ago in Montreal. Their implications for Ontario merit consideration.

Ontario has already been active in the review of transfer payments. A number of special studies of the standing committee on public accounts have involved transfer payments. The SkyDome was an example and Algonquin College of Applied Arts and Technology was an earlier example, to name only a few. As well, the Provincial Auditor has expanded his activities in this area. It is evident from the 1988 report, tabled last week, that he intends to look further into the area of transfer payments.

The 1988 report that the auditor tabled addresses such matters as the accountability of hospitals to the Ministry of Health, the findings of an inspection audit of Trent University, a review of the system for allocating unconditional grants to municipalities and the regularity of Wintario grants for community improvements. We look forward to hearing the minister's views on any or all of these issues.

The CCAF's study on transfer payments is interesting. The Ontario government certainly has expressed some interest in the whole area of transfer payments. I recognize that the Management Board of Cabinet has issued a directive with supporting documents requiring the ministries to improve their accountability framework for recipient transfer payments. I would like to ask the minister to give us an update on what progress, if any, has been noted and researched on this matter.

A number of Ontario ministries audit municipal accounts related to programs through which grants have been given. This work is conducted by a recently formed special unit called the Ontario municipal audit bureau. I would ask the minister to give us his assessment of the success of that municipal audit bureau, since it is serving some 10 ministries.

The Ministry of Community and Social Services conducts operational reviews of the agencies it funds. They have many of the



characteristics of a comprehensive audit. One would hope that the Chairman of Management Board will have some views on what progress is being made there and what time frame he sees in terms of objectives.

I guess that in spite of these advances which are taking place both in public accounts and in the internal audit system, I still recognize that it is essential to be sensitive to the principle of local autonomy and to ensure that the audit does not undermine the flexibility and responsiveness that the delegation of responsibility is intended to give. It is also important, especially in the case of the smaller grants, to ensure that the audit does not ultimately cost more than the grant itself or place unreasonable burdens on the recipients, particularly when many of these recipients are volunteer boards and the volunteers are giving of their time freely to the community.

It is this balance that I think we should be looking at. I would hope that, as Chairman of the Management Board of Cabinet, the minister may have some views on that.

Although comprehensive auditing has been under way in Ontario for a decade now, it is still an evolving field, making the move to transfer payments all the more challenging. Standards for comprehensive auditing are still being established, and a number of questions remain to be addressed.

First of all, how far should it go in assessing the actual effectiveness of government expenditures? Who should do these assessments, and how can these assessments be given a consistent set of standards and principles? Again, we get back to the problem, which the Provincial Auditor pointed out in his previous report, of the differences in skills within the various ministries.

I think that many of these questions are being addressed, not just by the public accounts committee and by some members of the Legislature, but also by such bodies as the Canadian Comprehensive Auditing Foundation. I would certainly commend them on their study *Effectiveness: Reporting and Auditing in the Public Sector*. I think this study sets out a framework for reporting and assessing the effectiveness that goes far beyond assessing simply whether programs are meeting these objectives. This framework would have proved to be most useful. I would appreciate the minister's comments on this.

More and more we are getting into the problem that the audit function has to be more than counting heads. It has gone beyond that, and it has to be more than simply saying, "Are there

objectives in place and are you somehow trying to measure them?" I think we have to get to the point that the General Accounting Office has managed to reach in the United States in many ways, and indeed, the area in which our Provincial Auditor seems to be trying to move, and that is, is the program effective? How efficient is it, but also is it effective?

Those are questions in which I think the Chairman of Management Board should be taking a lead from his point of view as the chief internal auditor, if I might use that name, or the person chiefly interested in or responsible for the internal audit functions of all of the ministries.

I want to address myself to two reports. I will give up the floor then, because I want to deal with some of those reports in greater detail later. I think it is terribly important that the minister understand that unless changes that will affect areas other than those with which he is now directly dealing are done by his government, a lot of his work is going to be wasted.

I talked earlier about the trinity, of the co-operation that should exist between the internal audit function, the external audit, which would be the Provincial Auditor or the Auditor General in Ottawa; and the public accounts committee. But there is also the estimates process. Quite frankly, any of us who have been around here, and I am now in my fifth term as a member of the Legislature, will tell the minister very, very clearly—and we have said this openly, so it is no secret—the estimates process, by and large, is a waste of time. I hope this set of estimates may not be a waste of time, because we will at least be talking about trying to reform the estimates process, and maybe for once this will be a useful set of estimates.

The public accounts committee turned out a special report in June 1988 calling for reforms of the Ontario estimates process. I am sure the minister has read it. We agreed with the procedural problems noted by the auditor. We talked about the delays in review, inconsistencies in the level of scrutiny relative to the expenditures, deviations from the planned schedule and the inability to change items within the estimates. Other problems included deficient information on which to base scrutiny, pressures on the time and resources of the members and the lack of attention and commitment by many people to the whole process.

## 1610

We considered these concerns and we endorsed the auditor's recommendation that a standing committee on estimates be established



to conduct annual, in-depth scrutiny of a selected number of ministries. Our committee further called for this proposed committee to be chaired by a member of the opposition and for its membership to include three members of the standing committee on public accounts; not the chairman, by the way, although that is not spelled out. It is certainly not my view that I should sit on both committees.

We recommended that six sets of estimates a year be chosen for review by all three parties, using a cycle of the official opposition, the third party and the government party, and that this be supplemented by a system of written questions to other ministries on matters of specific interest in review of these other ministries.

It should be remembered that our committee consists of a majority of members of the government side at this time as a result of the last election, which resulted in a very large number of members on the government side and even on this side—the overflow or rump as it is called—although judging from the quality of some of the members in the rump, I do not know why this would be the rump compared to that side. Some of the more capable members seem to have sat at one time on this side of the House, people such as the member for York Mills (Mr. J. B. Nixon), among others, who has now joined the public accounts committee.

**An hon. member:** What makes you think he is more capable?

**Mr. Philip:** I just got in trouble with one of my own members, who thinks the person I complimented did not deserve the compliment, so I will stop there or the next thing you know I will be saying something good about the future judge from—where is it?—Woodstock who is facing me. I gave her a compliment and then she voted against me in committee the other day.

Our committee expressed great dissatisfaction with the quality of the estimates process. I point out to the Chairman of Management Board that the committee's report is not all that different from another all-party committee's report, namely, that of the standing committee on the Legislative Assembly, and is not all that dissimilar from the federal estimates committee report on a similar matter. All three have concluded essentially the same thing.

I say to this minister, who is responsible for trying to ensure that this government operates in the most efficient way possible, that I ask him to exercise his leadership role in cabinet to ensure that this committee report and the one of the Legislative Assembly committee is properly

debated, passed and implemented. If he does not do that, it will not be him who is worrying about government inefficiency; it will simply be that government will get away from all of us. People will be making decisions who really are not elected and the whole accountability process will simply fly out the window. We are talking about increasing government bureaucracy and increasing waste of money, unless he does something to bring accountability back into parliament.

I also refer the minister—then I will sit down because I want to deal with a number of matters during this set of estimates—to the standing committee on regulations and private bills, which turned out an excellent report dealing with the whole regulatory system. It has a number of recommendations that I believe the Chairman of Management Board should be particularly interested in, because if these recommendations are implemented, we will start to get a handle on the whole regulatory process.

Right at the moment, if you were a small businessman in this province and you went into the legislative library or the business library at the University of Toronto and said: "I am in business X. Can you give me all the regulations that affect my business. I want to be a law-abiding citizen. I want to obey the law of the land and the law of the province," it could not supply that to you. We do not even have a cross-indexing of regulations here.

In a computerized age, we have complete anarchy in the regulatory process. It is very difficult. In fact, it is very much suspected there are regulations that from time to time are violations of government policy. Without using too much imagination, there are regulations that probably breach the intent of government legislation, and there is no real system for a citizen who is opposed to a regulation, first, to know about it, unless he subscribes to the Ontario Gazette or some legal subscription system, and second, to comment on it before it is implemented.

It seems to me we have to come to grips with the fact that at some time, if we are going to run government efficiently, we are going to have to deal with the whole area of sunseting. There are regulations that from time to time simply have to be looked at and that we have to say no longer make sense.

I think the Chairman of Management Board also has to develop an objective system of looking at programs, and in an all-party committee kind of setting, we have to say that these programs are no longer meeting the objectives of the ministry, are no longer relevant to this decade



we are living in, and need to be changed or their objectives need to be changed in order for us to deal with them.

If we do not come to grips with a nonpartisan way of dealing with sunsetting, then I think what you have is an increasingly larger bureaucracy and an increasingly larger number of programs that may meet someone's personal needs, but do not meet society's needs or indeed the needs of the original group of people the programs were allegedly targeted for.

Later in the estimates with the minister, I want to deal with the whole problem of pensions in the public service and his role in an advisory capacity on the right of public servants to have a say in the decision-making on how their pensions are being spent. I say that to give the minister notice I intend to go through that argument point by point. He may want to prepare for it.

I will also be suggesting to him that some of the rather glib technocratic and bureaucratic responses that are being made to people like the Ombudsman and the standing committee on the Ombudsman are simply unacceptable. I will be dealing with a particular case. I will be suggesting to him that he has procedures that are not being implemented and that he could implement to meet the Ombudsman's request. Stonewalling behind bureaucratic red tape and excuses simply is unacceptable when it comes to the Ombudsman.

Those are a few introductory remarks, Mr. Chairman. I thank you for your attention and the attention of other members.

1620

**Mr. McCague:** It is a pleasure to join in the consideration of the estimates for the Management Board of Cabinet. I note that quite a few of the minister's staff were there a few years ago when I had the pleasure of occupying his chair. I was just thinking that with the amount of money he has now, compared with what I had to deal with, they must think the minister is Santa Claus over there. Sometimes he does act a little like that, but I cannot recall which day it was.

The minister wanted to tell anybody who was watching that he had a very small budget, but just to set the record straight, in my book it says that the estimates are \$243,776,523. I know the answer I am going to get from the minister, but they are fairly sizeable and I am quoting what is printed here.

The minister has a very important position in government with the Premier being the chief executive officer and the Treasurer the chief financial officer; I guess the chairman could

affectionately, or whatever, be referred to as the general manager.

It will be no secret to the minister that we in this party have taken exception to some of the management practices of the government, that we have had some problem with the way in which some of these responsibilities have been discharged in the past three years.

For example, it has been and remains our view that expenditure controls in the Ontario government have eroded, as evidenced by the consistent pattern of overspending of the budget plan which emerged over the 1985-87 fiscal year period. The substantial in-year revenue windfalls over that period were spent as quickly as they were collected.

We have also pointed to some rather dramatic increases in the cost of ministry administration and main office activities, and to the substantial increase in the size of the Ontario public service. We have had occasion to discuss these matters with the minister in the House, so I know he is aware of them and I suspect shares them to some degree.

Certainly, we were encouraged by the Management Board decision to implement a two per cent payroll reduction and a six per cent reduction in other direct operating expenditures of the ministries. We flatter ourselves on this side by thinking that this decision may in part have been taken in response to concerns raised in this House by my party. Whatever the reason, it is a welcome first step towards restoring some measure of sanity to the management of government spending.

The financial resources of the government of Ontario are vast, but they are not limitless and it is high time this administration focused on providing the people of this province with a government they can afford.

We have then had some problem with this government's management record. I will not, however, review them again here today; rather, I want to discuss with the minister in a nonpartisan way some of the major challenges facing the government, and his ministry in particular, with regard to the future of effective and efficient management and administration of the government's spending and programs.

When the Management Board was first established back in 1971, the annual expenditures of the government were about \$6.6 billion. Today, they are almost six times as large and the government will spend more than \$37.8 billion in the current fiscal year. In fact, the Ministry of



Health will this year spend almost double what the entire government spent some 17 years ago.

This tremendous growth in the size and cost of government has amplified the importance of Management Board functions and I am sure the minister would agree that the job of Chairman of Management Board is not going to get any easier in the foreseeable future. If anything, the reverse is true, that the chairman is going to find himself in the hot seat because of growing pressures on revenues and expenditures.

Nowhere, in my opinion, are pressures on the expenditure side more acute and the management challenge more pressing than with regard to transfer payments. I am sure the minister, having just imposed a settlement on the province's doctors, will be particularly sensitive to some of the problems in this field.

Last year, about 72 per cent of this government's total expenditure was allocated through transfer payments. In the current fiscal year, I would estimate that the government is going to spend about \$28 billion through transfer payments of one kind or another. In fact, just this afternoon, \$17 billion in payments were announced for 1989. Yet neither this government, the members of this House, nor the Chairman of Management Board for that matter, can say with certainty what part of these transfers is being ultimately expended with due regard to economy and efficiency and in compliance with the provincial program objectives.

If the statement we heard today from the Minister of Municipal Affairs (Mr. Eakins) is any indication, this matter is of concern to the government. In announcing the transfer payments for next year, the Minister of Municipal Affairs emphasized that "it is extremely important that provincial tax dollars are allocated in such a way as to support provincial priorities," and gave that as an excuse for flat-lining unconditional transfers.

In addition, we have the 1988 auditor's report which underlines some of the deficiencies in our oversight functions related to transfer payments. Of particular concern, given the spending pressures in the health care field, was the auditor's finding that a number of hospitals that had received deficit funding in the 1987 fiscal year had on several occasions transferred funds from the hospital to a foundation, without first obtaining ministry approval as required under a December 1981 policy statement.

This is but one aspect of a broader problem the auditor found, namely, that formal lines of

accountability do not exist between hospital boards and the Ministry of Health.

I appreciate that efforts have been under way for some time now to improve the accountability framework for transfer payments. In point of fact, it was almost seven years ago that Management Board first established an interministerial task force to deal with the question of auditing transfer payment recipients.

I also understand the Management Board secretariat has been able to obtain a directive on transfer payment accountability and was working to develop a guideline to assist the ministries with the implementation of the directive. I hope the minister will be able to tell us today if the guideline has been completed and update us as to the implementation of the directive.

I would also be interested in hearing from the minister what further steps he is contemplating to improve accountability in this area and how his government is going to strike a balance between accountability and economy.

In particular, I would appreciate hearing the minister's thoughts on an expansion of the audit function with regard to transfers. For instance, ministries of this government have long exercised the right to audit municipal accounts relating to grant programs, a practice that led to the establishment of the municipal audit bureau. Is any thought being given to expanding this type of service into other transfer fields?

There may also be some value in looking at the Manitoba practice, which requires auditors of municipalities, school boards and hospitals to perform a supplementary audit at the same time as they prepare the financial attest audit.

### 1630

The purpose of the supplementary audit is to report on compliance with appropriate authorities, the management of assets and any other matter which the auditor feels should be reported to the minister.

I understand that this requirement is fairly easily met and has not imposed additional compliance costs on transfer payment recipients. Also, the Manitoba Health Services Commission has reported that it had a substantial increase in its comfort level regarding hospital spending once the requirement of the supplementary audit was introduced.

I would also look to the Chairman of the Management Board of Cabinet to take a lead role in improving the process we are involved in today, that being the annual review of the spending estimates.



The minister will appreciate more than most the amount of time, money and effort invested in the preparation of the estimates. Yet in spite of that substantial investment of resources, what we have ended up with is a deficient, ineffective and frustrating process which is hardly giving us value for the time and money spent on it. This is not a new problem, but complaints about the process and calls for reform have now become a standard part of our proceedings.

Some members may recall that back in 1980 the standing committee on procedural affairs was complaining about the estimates process, complaints which were repeated by the committee again in 1985. The standing committee on public accounts in 1982 reported that: "The current practice of estimates consideration in the Ontario Legislature is all but a total failure so far as examining projected government expenditures and evaluating the spending decisions underlying policy...."

For the most part, the estimates are little more than an enormous yet pointless drain on the time of the members of the assembly, ministers and ministry staff."

There has been no shortage of recommendations for improving the process to make it a more worthwhile and meaningful exercise. The most recent contribution was made by the public accounts committee in its special report to the estimates process of last June in which it called for, among other things, the establishment of a standing committee on the estimates to conduct an annual in-depth scrutiny of selected ministry estimates.

I would be interested in learning if the Chairman of the Management Board of Cabinet would agree with the conclusion that the estimates process needs to be reformed and if he would be supportive of the recommendations made by the public accounts committee.

The minister may have read in the weekend press an editorial in the *Toronto Star* claiming quite accurately that, "Ontario Liberals have lost their way." There are a number of items which appear to have dropped off the agenda which fall within the purview of the minister in each of his incarnations.

For example, we have yet to see legislation from him as Minister of Financial Institutions establishing some form of inflation protection under the Pension Benefits Act. There has been some talk that our colleague across the way did not want to bring in a formula that would be laughed at by Bob White. If that is the case, then I suggest to him that now might not be a bad time

to bring in the bill because Mr. White's attention seems to be diverted at the moment, involved as he is in trying to find a scapegoat for the federal New Democratic Party showing in the recent federal election campaign.

In his incarnation as Chairman of the Management Board of Cabinet, the minister also faces the problem of what to do about financing public sector pensions. I do not think I exaggerate when I say that we have an \$8.5-billion time bomb ticking away on that front which, if not defused, could blow up in our faces at a cost to the province of some \$575 million annually for the next 15 years. I do not know how the government intends to do any meaningful long-term planning when it is looking at a potential liability of that magnitude.

The minister and the Treasurer have had the benefit of advice from the Rowan, Coward and Slater reports on this matter, and I hope the minister will take this opportunity to bring us up to date on any progress which has been made and what his preferred option is with regard to resolving the serious financial deficiency in the superannuation adjustment fund.

I asked the minister a little earlier if he could provide us with a table that would show the number of civil servants government-wide. I stand to be corrected, but I understand that not too many years ago that chart was asked for and provided in the estimates book. I hope that he will feel free to do it again today.

There are a number of other issues that I hope to cover in the time allotted for the minister's estimates, and we will await that opportunity.

**Hon. Mr. Elston:** I have some reply with respect to a number of the issues which have been outlined here. On the item which the member for Etobicoke-Rexdale (Mr. Philip) brought up about the Ombudsman, we will be waiting to hear more. The details, of course, were not provided to us, but there are a series of things which I think are worth while taking a look at as we start into the overall assessment of the estimates being provided to Management Board as outlined.

First of all, though, might I just take a minute to thank the two critics for their opening remarks and for their acknowledgement of the role that Management Board plays, in a positive way, in influencing good management practices. I think that when we take a look at the Provincial Auditor's report, the general summation made there was that there had been increasing improvement over the last three years with respect to management.



Although there were several areas pointed out that required further improvement, a good number of those areas pointed out in terms of management examples of difficulties have already been addressed, either by management implementation of new directives and guidelines which have been taken up by the line managers or by the ministries involved on their own in strengthening internal activities.

I would also like to acknowledge the member for Simcoe West (Mr. McCague) in his indication of knowledge about the Financial Institutions sector of which I am the proud participant in policy-setting and otherwise. I can tell the honourable gentleman that my desire to do a thorough job in relation to the pension indexing issue is one which is merely bound to determine a fair and practical implementation of the indexing of pensions and is in no way tied to what any particular personality might say about the indexing formula which ultimately is brought forward.

I can tell the honourable member, although this is not the estimates of the Ministry of Financial Institutions, that we are working diligently. I know that he probably would like, at some point, to provide us with the endorsement of the formula he and his leader, the member for Sarnia (Mr. Brandt), will be promoting throughout the province to assist in the indexing issue. At an appropriate time perhaps, we will see that formula come forth from the third party as it struggles to overcome the domination of the official opposition, which to this point largely, I would say, has carried even further than the Conservative Party of Ontario the pension issue for the folks here.

But enough of the issues which affect MFI. The people, I am sure, are quite interested in that, as all of us here are. I think one probably could say that in no place could there be found any group of people in Ontario who have a higher interest in pensions than the members of this Legislative Assembly. From my point of view, having come here only in 1981 and followed the development over the period of years of people who have come into the members' roll and out of the members' roll, I can recall on several occasions being brought into quite considerable discussion of the pension issue as it affected the population of Ontario. Members particularly were interested in where that took us and others.

That does steer us into the issue of the public sector pensions and both the member for Etobicoke-Rexdale and the member for Simcoe West did bring to my attention that they preferred to take a rather in-depth look at pensions and the

issue of pensions from the point of view of my role as the nominal employer of the public service.

**1640**

I think it is important for us to understand that even as we speak, the meetings continue with respect to addressing the issues between the Ontario government, the employer, and its workforce as represented by the Ontario Public Service Employees Union.

It is not fair to say that we have not been working with the union to try to examine further the opportunities that are available in addressing the issues which not only face us, although that is the particular forum in which we are involved, but which, it seems to me, affect all employers and employees with respect to the management of their pension packages.

It is not fair to say that we have not attempted from time to time to include the union in the decision-making process as it affects the promotion of the management of those funds in a joint way, in one form or another. We are quite eager to examine a number of options that are available to examine the new way of handling pensions, and have indicated that through our meetings.

We, as a model and prudent employer, I think would be mistaken if we did not extend again a new hand of co-operation to the union. Whether or not, as in the past, that will be rejected is up to the union's leadership, of course.

I can tell the members here who, no doubt, have received the types of letters and correspondence that I have received from members of OPSEU, that contrary to the text of those notes—which I think probably have been promoted from the union's central offices—we are not, for instance, refusing to discuss pension issues with the union. We have been and are continuing to discuss those issues as they arise.

I can tell the honourable member for Simcoe West, who raised the spectre of the \$575-million, 15-year amortized cost with respect to the unfunded liability of pensions as a result of the superannuation fund, that in his former role as minister of the crown during another administration—whose name escapes me now because of its remote historical relationship to the matters—he certainly was not offended by the fact that there was an unfunded liability reflected in the legislation which he, probably in his first days, would help to have passed, I presume.

The member for Simcoe West was elected in 1975 and came in on the coattails of the passage of the legislation in 1975 which established the superannuation adjustment fund, at which point,



on the basis of some very quick manoeuvring before there was a call to the polls, the teachers of the province and the public servants of the province found they had a fully indexed secondary fund or a fund set up to index their pension secondary to their main fund.

The only question that was brought to my attention by the Treasurer and others who have talked from time to time about the pensions, the only person who actually raised the question of the matter of the funding of the liability, was a member of the New Democratic Party at the time who, in the late days, just as the lights were going out in that particular parliament, raised a voice in the wilderness saying, "Is it funded all right?" Somebody scoffingly said, "Don't worry about that," and of course, they did not worry about it and that administration continued not to worry about it. We now are making movements ahead to deal with that issue, but we are doing so in a rather co-operative manner as opposed to forgetting about it altogether.

That deals with the pensions issue. Just to cover off the final part to the pensions as it applies to the public service, the numbers of employees now, I am not aware of whether or not there was a table with the full number of people who were employed in the previous estimates or not, but I do not think that there are any of us who have any reason for not having it available.

I can just read down the material because I did get a table that reflects the number of people who have been in the civil service from time to time. I will start with the fiscal year 1984-85 and go to the projections for the fiscal year 1988-89 which we have not yet finished.

I will give you three columns of indicators. I will give you a 12-month average, because everybody knows the public service of Ontario is made up of components of classified and unclassified, and people come into the public service on a seasonal basis at higher levels than they are full-year.

I will give you a 12-month average as a result of that, and I will also give you the number of people who are on the payroll as of March 31 each year, bearing in mind that March 31 each year has been used as a bit of a target in which people sometimes used to reduce the numbers to get a favourable-looking statistic, and then on April 1 and 2 following the end of the fiscal year perhaps there would have been an increase in the number of people who appeared.

The head-count game, which I think has gone on, perhaps does not measure effectively the way we would want to measure the performance of

our public service. There are a good number of points which should be explored from a human resources development point of view which would tell us that we should not be worried so much about head count, that is, the number of different people working, but should be worried about providing service to the public and measuring our service rather than the number of people.

We would like, in the Ontario public service, to be a modern and model employer able to offer a modern-day family the opportunities in work which would allow flexibility of hours and otherwise, which would get the best out of people. For instance, we would like to look at job sharing and other types of interesting activities.

Anyway, we are where we are at. I will not stray any further into that area of discussion unless my critics would like to get into it. I certainly would be interested in doing that because I think it speaks highly of people who are creatively using the talents of the population and making the workplace reflect the time that is available from members of the public to put into it.

The 1984-85 fiscal year 12-month average is 84,566; on March 31, 80,371. Perhaps for the members I will make a photocopy of this so they will not have to write it all down and I can go through it quickly. The fiscal year 1985-86: 85,290, a change of 724 over the previous year; the March 31 head count was 81,592. In 1986-87 it was 87,235, a 12-month average change of 1,945; March 31, 84,787. In 1987-88, it was 89,863, a change of 2,628; on March 31, 87,255. The projection is about 91,000 with a change of about 1,100 people. The projected figure for the end of March 1989 is 87,390 people.

In that, a number of things are included. In addition to the fact that we have moved to increase the staffing of certain programs which were already in existence and which we felt were understaffed, there were, of course, new programs introduced which have come at a very fast rate indeed under this administration.

As well, there has been a rerating of people between the full-time and unclassified positions, which is not reflected in the overall numbers, but which I think people would be interested in, in terms of the way government expresses its intentions to tell people who work for a good number of years that they deserve to participate in the benefits which go along with a long-time participation in the government.

That talks to the numbers and a little about some of the policies we hope to deal with in



regard to people in that area, when we talk about head count.

**1650**

I have several other areas that I would like to talk about, one of them, of course, the internal audit, which was brought to my attention basically by both of my critics. For that I thank them, because we spent a bit of time looking at our internal audit, and we are always interested in dealing with the issues that surround the ability of our managers, our deputy heads who report to us in terms of their corporate responsibilities of good management, to try to make things work much better.

It was not that long ago that we were a fairly centralized internal audit organization, so in relation to what the member for Etobicoke-Rexdale has brought to our attention—i.e., maybe we should be more centralized—we have decentralized to assist the people who are at the head of each of our ministry organizations and secretariats to try to get firsthand information right away. Now we are being asked to perhaps draw back again and see whether or not we should recentralize.

**Mr. Philip:** The centralization we are recommending is quite different from what existed in the past.

**Hon. Mr. Elston:** Of course, everything that is recommended to us is going to be acknowledged to be in some ways different, but in many ways, what we want to see happening is that the people who are responsible at the ministry levels in each case are in fact going to be getting the first series of information pieces which let them, as managers, make the changes.

There is no question in my mind that, for some people, the internal audits can be improved. In fact, when we have met with some of the ministries, the deputies and others have been told that we would like to see them strengthened and I am advised that they even had made some of the suggestions to the auditor themselves that they were willing to see the audit function strengthened.

At all times we are quite willing to consider that, and I think you will find that the performance of the internal auditors in the ministries, even at this stage, has probably improved from the time at which the snapshot which is reflected in the auditor's report was made, because we have been pursuing that.

As a person who, like the member for Etobicoke-Rexdale, was the chairman of the standing committee on public accounts, the position which the member for Etobicoke-

Rexdale now occupies, I am not only quite interested in making sure that people have the opportunity to be effective managers, but from my point of view, we like to make sure at this stage that they make the changes which take away from us the necessity of examining the whole process of public accounts.

From a purely political point of view, there is a good headline or two to be obtained out of the examination of any organization in public accounts, but as individual members of the Legislative Assembly, we would prefer not to get into any of that at all, because if we are into it, there is a problem someplace that has been brought to our attention as members. We would far sooner get away from having to deal with those sorts of problems, and I think that from my perspective, the interests of both of the critics who spoke and mine are at one on that and in fact reflect the desire of the Management Board as well to tighten up those so that we will not have those problems to deal with. If we do not have those types of problems to deal with, we can get on with examining other areas of activity and the measurement of programming by the auditors.

I have just a couple of interesting points to show that we have moved forward on the audit. Our education services branch has indicated that we already have established a partnership with the Ontario Public Service Internal Auditors Council. In connection with this council, we have developed a workshop on Auditing in the Contemporary Computer Environment. That is the name of the program. Clarkson Gordon also has developed a training program called Value-for-Money Auditing for senior auditors and managers. Both of these workshops were delivered in September 1988, which reflects the degree to which we take very seriously the internal audit function. That is not to say, obviously, that we cannot do better, but the fact for the public in this province is to know that we have not stood still, that we are making those strides in co-operation with a number of the same organizations which have been mentioned by my colleagues.

Both critics mentioned the municipal audit bureau, which was designed to co-ordinate the government auditing of municipalities so that we would not have somebody from the Ministry of Community and Social Services one day, the Ministry of Municipal Affairs the next, the Ministry of Tourism and Recreation the next and a whole series of people going down.

From my point of view, that particular way of handling it and managing the program has been



effective. I guess it comes down to now finding out, because we were urged by the member for Simcoe West to consider the fact of whether or not we are expanding it—I would prefer at this point to make sure that the thing is working full well because it is really just a full year into its mandate.

The first reports have been positive. I understand the people who are visited by this group are in fact pleased by the results in the sense of its being more efficient of their time and getting everything wrapped up at one time. That seems to be a positive implication, but I do not think at this stage I am prepared to commit to moving beyond that into other areas until we know exactly how well that is settled. There are some questions about the number of people required to do that and how we can put a staff together as well. That is always on our mind.

The transfer payment agency audit question is one that has been of real concern. I was previously in the Ministry of Health, and of course we put a lot of money through our transfer payment agencies. It was one of those things which was of abiding interest, but the interest in transfer payment agency accountability is something that obviously preceded me.

We have been working at Management Board for some time now and I am advised that by April 1, 1989, we will have a new program in place with respect to the accountability. The ministries now are working to provide a framework to measure the accountability and I think that everyone in the province will be happy to know that the results and the performance of those transfer payment agencies have now gone beyond just being of interest and will actually be measured.

On the question of measuring transfer payment agencies, hospitals, which were pointed out as part of the report of the auditor by the member for Simcoe West, are an important one because it really does underscore one of those interesting balances about which the member for Etobicoke-Rexdale spoke during his opening remarks: the whole question of balancing the local autonomy issue against the need for the central agency or authority accountability. The degree of independence with which the boards at the local level function is always of interest to all of us as individual members.

Perhaps the member for Simcoe West and I, in my capacity as the member for Bruce, have a fair number more of those boards to relate to than the member for Etobicoke-Rexdale does. In terms of hospitals in the ridings of Simcoe West and

Bruce, we have a number. I think probably the member for Etobicoke-Rexdale has a couple or so, perhaps much larger, but in any event we all have that same issue. We all have school boards with which to deal. The decision level or at least the type of decision they take with respect to our dollars makes for interesting reading in the local newspapers.

The member for Etobicoke-Rexdale in particular will be well aware of a couple of the financial decisions made by the council in Etobicoke just prior to the last election. That type of decision-making having been taken or made reflects on the type of accountability which I hope we will be getting from the newly elected and more highly remunerated members of the council out in Etobicoke. That having been said, however, we will be proceeding to put the transfer payment agency measurement process in place as indicated.

Estimates was also a very interesting concern of both of the members. For me as well, it has been and continues to be a concern with respect to how the members of the Legislative Assembly measure performance. The manner in which we do that, it seems to me, will strike at the heart of where we wish to take the type of political system we have in Ontario. We have an interesting system right now. In some ways we are more British than the British system from which we originally sprung, in some ways we have gone further than the American system.

For example, the request to have the committee system set the fiscal framework of the government of Ontario might very well be seen to be moving much further towards the congressional style of government than what we are now at.

1700

**Mr. Philip:** That is not what the report says.

**Hon. Mr. Elston:** It is not what the report says, the member for Etobicoke-Rexdale indicates. That is a fair comment, but a change in style may be measured in that manner, in any event. From my point of view, the estimates process, even though it took place when I was in what I now fondly refer to as pregovernment training, or what the members across commonly call opposition these days, was a very good grounding in how government performs.

In fact, I felt at the time as a new member, and even now as a member who is on the government side of things, that it is a very good way of putting the case and the point in a public forum—although the other committees outside this House may not be quite as public as we would like them to



be—and in fact moving the administration to deal with the issues which are particularly hotly disputed for the next allocations process.

I think the members probably underestimate the effect of their questions, if those questions are well reasoned and put together in a very reasonable fashion and in a very hard-hitting way. There is no better evidence than the estimates for the following year of the rigour with which the estimates were pursued in this Legislative Assembly. I think the members probably for a good number of reasons do not know fully the positive input they have with respect to the numbers that ultimately come out the following year.

We have a whole series of other items we talked about, administration. Perhaps I will go into a couple of items that deal with the cost of administration for the member for Simcoe West, because he has talked to me or at least he has asked questions here and there have been questions from others in here about the increase in the cost of administration.

I would like to enumerate just for the purposes of the people who are watching and listening today the types of things included in the increases which have gone with the costs of government in Ontario. We have done several things, including the setting up and the splitting of several ministries. We no longer have a Ministry of Citizenship and Culture. It is now the Ministry of Culture and Communications. We have a separate Ministry of Citizenship, because we want to reflect the fact that this government has a very high priority with respect to that area of operation. The appointment of the member for Scarborough-Agincourt (Mr. Phillips) is to promote in the very best fashion the fact that this government believes there is an initiative required to represent all of the people of the province.

We have as a result of the creation, for instance, of just those two examples of new ministries, the creation then of offices to support parliamentary assistants and ministers.

There are initiatives required as well to support new things, like the development of the technology fund and the Premier's Council on Health Strategy and others which will be reflected in the overall administration, because they in fact are included as numbers in the main office expense areas.

We have as well considerable amounts of investments with respect to information technology systems, computer services which are going into the main offices. Some of our ministries

reflect the fact that there was underuse of modern technology for communication purposes and for management skills. We have made a commitment to move on that area as well.

We have, in addition to that, new programs which have been adopted by inclusions in the administrative areas for the initial setting up of some of these programs. Those are reflected as well.

I can tell the honourable gentleman as well that some of the things reflected in increased costs of administration are as small, even, as the increases in the cost of pencils. The increase in the cost for instance, between November of 1986 and April of 1988, of a pencil from a \$1.65 to \$2.43 is one example of that type of thing. That is a substantial cost for people that is not always acknowledged but it is a contributing factor as well; not to say that it is the only one. It is the same thing with tape for instance, which is often used. The cost of transparent tape ranged from \$1 in March 1987 to \$2.03 in April 1988.

The member can see the fact that the government is not, of course, immune to those types of cost escalations as well. So, while he talks about the cost of administration, I can tell him that we are a much more active and aggressive administrative organization but not, as would be argued and contended by the member for Simcoe West, a group of people who throw money around without looking for results. That in fact is what we are mandated to do and that in fact is what we are doing.

I want to respond just ever so briefly to a couple of things. Regulations were raised by the member for Etobicoke-Rexdale, who I think actually got as close as any person to expressing, although that is not his general habit, the difficulty which faces modern day government, and that is, how do you make sure that you get the best results of the regulation of the marketplace without it becoming so overcrowded with needless reports and pieces of material which the small entrepreneur, the business example that was raised, would have to deal with?

We have taken very seriously at Management Board the need to make sure that our regulation style is simple and straightforward. That is not to say that the report which was sent from one of the legislative committees has been fully adopted but, I can tell the members that the report, or at least the reaction to that, will soon be working its way through our policy committee structure so we can make a formal response to the committee's report.



In addition to that, we have found ways to address some of the concerns about complexity which the member would be suggesting, by making sure, in reviewing the number of boards and agencies which are out in the field, that there are no overlaps, to the greatest possible extent, so the people do not have to deal with the multiple reportings. That is not to say that we have been fully successful but to say that we are on that road.

That gets into sunseting and I can tell the honourable gentleman that we are, in fact, moving to put in place for any agency or otherwise, to be graded, the required measurement criteria which would be used or put in place before that board or agency starts its mandate; rather than coming up with a measurement capability towards the end of its mandate, which might very well reflect more of what has been accomplished than what would have been thought should have been accomplished at the outset of its life. That being the case, I think we will get a much more accurate measurement of the results which we hope to have and our responsibility will be much better carried out. Those things would allow us to tighten up the regulation of our marketplace and would allow us to perform much better and more efficiently with respect to our agencies.

Just a couple of other points on government spending and that is with respect to the points made by the member for Simcoe West who had indicated, in the context of the importance of both Management Board secretariat and human resources secretariat, and also the Civil Service Commission, that because of the \$38 billion for which we in Ontario are required to be accountable, that we have a heightened responsibility. That is absolutely true, but I want to indicate that that responsibility has been a joint responsibility not only of Management Board in its broadest sense but also that of the executive council, the parliamentary assistants and the members of the Liberal caucus, who have shown in many ways a responsibility towards analysing what we could do better, making suggestions about how we could spend the money much better and even in a more timely fashion.

1710

I can say that my colleagues from the executive council have been very good indeed in providing for me the support which is required, for instance, to introduce something like the two per cent constraint on salaries and wages. It is a very difficult task indeed, but the accountability which goes with the expenditure of \$38 billion

requires very tough management activities. I can tell the member for Simcoe West that my fellow members of the executive council met the test and passed with flying colours when it came to implementing that particularly difficult constraint activity.

That having been said, I think that overall the expansion of government spending to the \$38-billion plateau has seen with it an increasing and heightened awareness of the introduction of new and more stringent management control activities. I have been well impressed with the level of measurement of new program applications which come through to the Management Board of Cabinet.

The measurement both by the officers who work in the Management Board secretariat and the review of the personnel needs and the executive structure which is needed by human resources secretariat personnel has been first-class. I think it has provided Management Board of Cabinet with the type of information which has allowed it to be much more thorough and more aggressive in some ways in examining what it expects to come out of our programs.

I think that is reflected in a much more active Ontario economy which has responded to the positive influences of the policies of the Treasurer and of the directions of the Premier when he set in place the technology fund and other sorts of activities.

**Mr. McCague:** Smile when you say that.

**Hon. Mr. Elston:** The member for Simcoe West invites me to smile at the prospect of having a positive economic situation here in Ontario. I can tell him that along with other political parties in power in some other locations in Canada, the Ontario Liberal Party, of course, takes pleasure at seeing the high degree of activity which has allowed us to respond to the areas of need to which previous administrations felt they should not respond.

We are moving further to assist people in need of housing, in need of extra assistance in meeting daily costs, to help industry locate in northern Ontario and to set a strategy which allows eastern Ontario to participate on an equal footing with the rest of Ontario. I can tell members that it is increased expenditure levels which now have allowed us to aggressively pursue a vision of a new, active and internationally competitive Ontario. Of course, as general manager, as I was so fondly described by the member for Simcoe West, I am pleased to have a hand.

It seems to me that as I have addressed these issues, in providing ourselves with some ac-



countability with respect to where we are moving, I have given you just a very brief overview of some of the positive things we have done. I do not want to be too provocative, to indicate that we have everything solved, because of course that is not true.

We do have some way to go in bringing tighter reins on some of these areas, but we have moved to do that. We have some way to go in providing more programs and more services for those people who are less fortunate than we ourselves. We have some way to go in providing, I think, the sense that everyone has a full opportunity of becoming involved in the public service of Ontario, but we are moving in that direction. We are responding to fairly long-standing needs, but we are doing it in a way which is very sensitive to the skills that are required and to the taxpayers' needs for accountable and effective expenditure of their dollars.

Those being my few points of response, I would be pleased now to go further into examining some of the other issues which the honourable critics have in mind at this time.

**Mr. Philip:** At the risk of being somewhat provocative, I can say that if I were transferred back into the estimates of another Chairman of Management Board, who will remain anonymous unless I provoke him, I would have heard the same kind of general statements, the same kind of generalizations, the same lack of specifics that I have heard today. I guess one has to say the government changes but Management Board goes on and on and on.

It is unfortunate that the minister perhaps did not read the report of the standing committee on public accounts very carefully or he would not have been able to generalize that somehow what we were recommending was a return to the old, centralized audit system.

In fairness to the public accounts committee, what we recommended was something very different. We talked about Management Board developing and implementing a government-wide annual internal plan which would include a listing of prioritization of the government's audit universe, a report on the progress of the previous year's plan and the comparative analysis of ministry performance and an assessment of the government-wide allocation of the audit staff in light of the plan's priorities.

I suggest to the minister that is quite different than what the previous Conservative government was doing when it had a so-called internal audit or, as I used to refer to it, a head count of some

sort that was very useful to very many people, including the individual ministries.

I say this in as moderate a tone as I can muster: I am really sorry that the minister has chosen to be an apologist for the inadequate estimates process that we now have. His examples of things that may have happened as a result of the estimates process are unfortunate because there is nothing in those examples—he could not come up with one example—of any progress that was made through an estimates process that could not have been done in this House through another process.

To simply rationalize it because something has happened as a result of an inadequate process—I can walk to Vancouver, but it may not be a very good way of getting there; I may eventually get there. Some things did happen in the estimates process. I suspect that a lot of those things could have happened just as quickly through press releases, through letters to the minister, through the use of the 90-second statement before question period, through the use of emergency debates and a wide variety of other things, and that it was not necessary to spend the amount of time dealing with those as the estimates process has.

The proposal of the standing committee on public accounts does not remove ministerial responsibility, as the minister has implied or suggested. It does not set up a bold new system in which ministers are no longer responsible and committees of Congress or committees of the House are somehow taking over all the responsibilities. The proposal is fairly specific. It says that within votes, within items, a committee could reallocate or suggest reallocation of funds. That is quite different from going and telling the Treasurer—

**Hon. Mr. Elston:** It is the responsibility of the minister, that he set out the manner in which his priorities are set. That seems to me to be a bit of a change.

**Mr. Philip:** The responsibility of the minister is setting up his budget and setting up his major priorities and all that the public—

**Hon. Mr. Elston:** But you would move all the money around. You say that you guys as a committee want to move the money around.

**Mr. Philip:** If the minister wants to speak then I will sit down and let him give another speech. Mr. Chairman, I thought I had the floor.

**Mr. Chairman:** You do. One member at a time, please.

**Hon. Mr. Elston:** My apologies.

1720

**Mr. Philip:** I do not know why the minister is being so overly defensive when I am trying to explain exactly what the committee members, a majority of whom were made up of members of his party, were advocating. He seems to be so intent on defending the status quo instead of seriously looking at the proposals.

The proposals are fairly clear. The ministerial responsibility is there. All that it proposes is that there be an opportunity for a committee to advocate the reallocation of those funds when, through the result of an intensive study, there is an obvious need for a reallocation of some funds within that vote. The minister is still responsible. Indeed, in the case of the present parliament, the minister would have a majority of members of his party on that committee. He can follow the traditional Conservative role, if he wishes, and advocate the status quo. He is free to do so, but I think that what he has to understand is that he is advocating a system that invariably will lead not to the ministers and the cabinet controlling, but to the bureaucracy controlling.

I suggest to him that unless he seriously looks at the proposals of the federal public accounts committee, Ontario's public accounts committee, the standing committee on the Legislative Assembly, the Provincial Auditor of Ontario, the procedural affairs committee and the auditor before the present auditor of Ontario, he is seriously missing the boat. He is not keeping power for himself; he is keeping power for the large bureaucracy that seems to operate under cabinet and that a lot of cabinet ministers do not seem to have very much control over.

I was interested in his response to the report of the standing committee on regulations and private bills, in which he says he is going to make a response. I would ask the minister when that response, which he says is a formal government response, will be forthcoming. I would like to know when that government response is likely to be expected, since I think that is an excellent report. It was chaired by one of his own colleagues and I think it makes some very concrete proposals that he has to deal with.

I will end right now by dealing with the one question which the minister asked me rather than vice versa, and that is to what I was referring in the particular item in which I said that there was a problem with the Public Service Superannuation Act where bureaucrats were using a legalistic approach and not following a proposal by the Ombudsman and by the standing committee on

the Ombudsman. Let me take one step back, because I think that is a financial matter or a Management Board matter—I am stopping because the minister is getting some advice from his deputy and I appreciate that it is fine.

First of all, let me take a step backwards. It is not purely the Attorney General (Mr. Scott) who has to deal with it in terms of the Ombudsman. As Chairman of Management Board, he has to come to grips. Management Board has to come to grips. There has to be a process whereby, when an injustice is pointed out by the Ombudsman and by the Ombudsman's committee and that injustice involves the need to repay someone or some company for something and where the regulations do not provide for that, but that on the justice or the merits of the case there is a need for the government to make retribution, those payments can be made.

I think the Chairman of Management Board can start grappling with that. That is the general policy statement which I think the minister has to look at. I think there are ways of doing that, and one way of doing it is to perhaps pass a general act that would allow an ex gratia payment by any ministry on the recommendation of the Ombudsman and the Ombudsman's committee.

Let me deal with it in the specific case. In its 15th report, the Ombudsman committee's recommended "that the Ministry of Government Services and/or the Public Service Superannuation Board pay to" a particular complainant—as the minister knows, with the Ombudsman's committee we deal with complainants by letter, so I do not know the name of the particular individual; we simply dealt with the arguments for and against this case—"pay to the claimant the sum of \$2,239.91 plus interest at 6.5 per cent calculated annually from November 30, 1967, to the date the payment is made, as compensation for lost pension benefits occasioned by the failure of the director of the pension funds branch to properly advise the complainant of the consequences of transferring his pension credits from the public service superannuation fund to the Ontario municipal employees retirement system."

Representatives of the Public Service Superannuation Board attended our committee meeting at the time in March 1988. They stated that they had been unable to implement the committee's recommendations because they had no authority in their statute to authorize such a payment. After considering the matter, the committee accepted the arguments put forward by the board on the motion and recommended



that the committee delay action on the case until amendments to the Public Service Superannuation Act are introduced in the House. We could wait for a very long time for that.

The committee also was advised that after discussing amendments with representatives of Management Board for the purpose of what we could do next to expedite a long overdue settlement in the dispute, we were advised by the Public Service Superannuation Board that the responsible minister is not the Minister of Government Services, but rather the Chairman of the Management Board of Cabinet.

What I am going to suggest to the minister is this: I am going to suggest that he can either continue to see that injustice is done in this particular case by waiting until the good Lord and perhaps the Premier only know when—maybe he knows—when the appropriate amendments to the Public Service Superannuation Act might be forthcoming, or—and I hope he will seriously consider this—he could propose a separate item under standing order 15 under this set of estimates or next year's set of estimates for payment of this small amount that is owed to this person.

I suggest to him that if he really believes that the Ombudsman and the Ombudsman's committee are of importance and that their recommendations are of importance, then he would seriously consider introducing a one-line item under his estimates, be it this year's or next, for payment. It is a one-time payment. This particular person has been unjustly denied payment that is owed to him, that the Ombudsman has agreed is owed to him and that the Ombudsman's committee has agreed is owed to him.

I suggest to him that he might like to see that justice is done and also that it be removed from the books, that we not waste more of the taxpayers' money, not just on the interest that is accumulating until eventually he will be paid or his estate is paid—I do not know how old the person is—and that it not be another problem that is going to take up the time of his officials, the Ombudsman's committee and 12 members of the Legislature in the Ombudsman's committee who will have to deal with it again, and that the Ombudsman not have to keep it on his books or possibly have the complainant go back to him with a different line of complaint on the matter.

What we are dealing with is really peanuts in terms of his total budget. He could see that justice is done by simply introducing a one-line item in dealing with it at this point in time.

I want to go into considerable detail with some of the complaints by the Ontario Public Service Employees Union and by individual public servants and deal in a very specific way, but I do not feel that it is fair, considering that I am taking up the time of the Conservative critic who may want to also respond to the minister's responses.

I would like to raise that, though, as my next item on the agenda whenever we have an opportunity to deal with the pensions issue.

**1730**

**Hon. Mr. Elston:** I thank the member for Simcoe West for letting me respond right at the moment. One of the problems with the estimates process is exactly the exchange that took place here before. I was left with no opportunity in this forum to engage in debate about the issue. I am left able to stand up and make a speech about our interests with respect to any particular points.

I rather liked the other committee setting, where I thought the flow of discussion was much better. This is a forum that I think really inflicts an even less flexible manner of discussion on the debate on estimates than what we are already aware of. I think we could do much better if we had a much better exchange of issues, if we were able to talk about the item I interjected on.

That the committee be allowed in some ways to move money around within vote areas and to apply its priorities with respect to where it sees the need, but leaving the minister fully responsible, seems to me to be a bit of a hard thing to manage. To have explored that in front of the people of the province would have been a meaningful exchange, but we cannot do that in this forum. We can do it an awful lot better in a much more informal setting, as the other committees do, but that is a complaint with which we will have to deal in another estimates opportunity, because we are meeting here.

All I want to indicate is that when you have a committee making an allocation of money, whether it is within the regime of a full budget as set out or otherwise, the minister is left with the responsibility. The committee members can say: "It is not our responsibility. All we did was move money from X in line 7 in the votes to Y." The difficulty is that the minister is left to manage that. There are people who are attached to providing the program in line X who have to be then reallocated to line Y.

All I am saying is that it is much more difficult to do than just have a committee vote on it. I am not dismissing the idea; I was just reminding people that it is a substantial departure from where we have gone. Far from being an apologist

for the current system, I was merely trying to point out that there has been benefit in the current estimates situation, that in fact it is not without benefit. I just want to make sure the people of the province know that as well.

The number of dollars spent on preparing for estimates varies greatly from ministry to ministry. There is a lot more money and time consumed for the Ministry of Community and Social Services than there is for Management Board, or for the Ministry of Health than there is for the Office for Senior Citizens' Affairs. It goes without saying that it takes a lot of time, but I think in most cases that money is not spent without benefit.

I will leave it at that. I will just say that I do not dismiss any attempt to make the estimates process better for everybody involved, but I do not want people to think it is totally without value.

The regulations report: At least with respect to the standing committee on regulations and private bills, it is not for me to respond on behalf of the government. There is a response coming through the auspices of the Attorney General and that is working its way through the policy programs. I suspect that some time next year you will have it in terms of an official response, but I do not wish to commit a member of the executive council, other than myself, to timetables or otherwise.

I know I am interested in the report. It was a report that was taken with a considerable amount of thought and interest. In fact, I was quite interested in the recommendations, which went so far as to suggest that we consider Management Board part of the process at a different level than it now is.

Regarding the example from the Ombudsman and the standing committee on the Ombudsman with respect to Mr. S, we are looking at a manner in which we might make payment. We are seeing exactly what authority we can have. I suspect the answer is not, as the member for Etobicoke-Rexdale suggests, that we move to make payment as a result of an introduction of an amendment to that piece of legislation.

This government is concerned that we treat people fairly, and where there is a problem that has resulted from government administration or whatever, then we move in the best manner possible to make it right. In this case, we are looking at how this might be accommodated so that it can come off both his agenda and our agenda.

But amendments being processed from time to time, bearing in mind the speed at which legislation is being passed and how quickly we get to various initiatives, would not appear to me to be a satisfactory way of addressing this issue either. On that point, I am agreeing with the member for Etobicoke-Rexdale, and we will look at other options that are available to me as Chairman of Management Board.

**Mr. Philip:** What about the option I just proposed?

**The Deputy Chairman:** The member for Etobicoke-Rexdale, did you wish to—

**Mr. Philip:** I just want to ask the minister, what about the option I just proposed? All he needs is a one-line item for the \$2,000 in either this set of estimates or the next set of estimates and the problem is removed from him, from the standing committee on the Ombudsman, from the Ombudsman, from Management Board and from the pension plan; it is dealt with, recognizing that he is only doing it at this time because the legislation is not yet there to deal with it in a general way.

**Hon. Mr. Elston:** I thank the honourable gentleman for his suggestion. We are probably going to have a recommendation made to us, but that is one option and we will consider that with other activities.

**Mr. McCague:** The minister went on at quite some length about all the good things his government is doing. He did not mention at all the ones of another nature. He started off by inviting me to talk to my leader and combine to make some recommendations to him about how the pensions solution should be designed.

I point out to him that our critic for the Ministry of Financial Institutions is the member for Leeds-Grenville (Mr. Runciman), not myself. But I think it is about time the minister realized they really are the government over there. Whether they are good or not so good will be up to the electorate to decide next time around, but why do they not realize that they are the government and do the governing; not toss their awkward problems back to one of the opposition parties for a resolution, but do it themselves.

I was interested in his remark about unclassified staff not being included.

**Hon. Mr. Elston:** No, they are.

**Mr. McCague:** The record may show that the comment was that they were not included, but we will see. Anyway, the minister might want to clarify that.



As far as the internal audit is concerned, I think that is a very valuable function. I happened to be at Management Board at the time that was introduced. It was done in co-operation with Management Board secretariat and the Provincial Auditor. It was very difficult to do. It was resisted to a great degree by the staff of various ministries who thought of it as interference rather than being helpful.

I am personally pleased the minister has seen fit to extend that function. The point I was trying to make to him was that he may have to do something similar in the area of transfer payment recipients.

We have several times raised the issue of the increased staff in ministers' offices. Each time we do that, it does not matter whether it is the Premier, the Treasurer, the Chairman of Management Board or whoever of their 30 cabinet ministers, everybody throws back the fact that the government got rid of the secretariats. They cannot all take credit for having got rid of the secretariats and that this is the reason the ministers have all increased their staff. It just does not add up, and they know that. The secretariats were got rid of, but the sum total of things is higher than previously.

1740

The minister tried to persuade us that the reason for his \$243-million-plus budget was that pencils and tape had gone up in price. Dear, dear; I am so sorry about that. I am not even sure how many pencils he uses. Maybe a pencil is an answer to some of the questions I have raised with him.

I wonder how the minister is making out with the Minister of Community and Social Services (Mr. Sweeney) and the Minister of Health (Mrs. Caplan) in bringing together two programs in particular, the administration of the nursing homes program and the homes for the aged. I had some experience with that. Yes, it was open for the previous government to do something about it. We tried and we were not successful. In our time, it was not the political will that was lacking; it was the problem the civil service saw with it—the bureaucracy, in other words. I am just wondering how he is making out. It would be interesting to know that.

As far as the rumour mill and the things you hear when talking to civil servants are concerned, I have heard the complaint that it is very hard, if not impossible, to get before the board to present a case for more money, more staff or whatever problem a particular ministry staff seems to have. Maybe he would comment on that. Has he

limited the number of people he can talk to in a given day, or just what would his answer be to that problem?

**Hon. Mr. Elston:** I have several comments. We start out with pensions again. All I did was invite the honourable member and his leader to participate. I did not expect them to solve a problem they had no intention of dealing with when they were in government. I did not expect them to even want to be interested in it, but he said he wanted some answers. He seemed to be interested in indexing and I merely invited him to provide me with his thoughts. The fact that he thinks they do not have a role to play is their problem. We are prepared to move on the issue, as I indicated in my earlier remarks. In fact, we are moving ahead for the consultation, and their input is very welcome.

I want to indicate as well that he is very selective with respect to the information I put forward to him about the administrative costs. I merely indicated that even things as minor as pencils, tape and otherwise have gone up in cost and that those have to be accounted for, but in fact those were not the only materials that have gone up in cost; they were not the only reasons the administration costs have gone up.

Neither are they, as he tries to lead the public to believe in error, the reason that there has been an increase in the ministers' staff. That is the most specious of all the types of arguments I have ever heard, and the fact he would lead the public down a wrong path with respect to their attempt to get at the truth of the matter is highly unbecoming.

I want to indicate as well that we have gone much further in the ability to discuss with the Ministry of Health and the Ministry of Community and Social Services in any number of ways, to deal in a better fashion with the delivery of programs for all the people of the province.

The issue of increased activity at the community level between the Ministry of Health and the Ministry of Community and Social Services is well known by now. The commitment to delivery of community services is a fine indication that in concert with our ministries, we are moving to provide service in a much more sensitive and better co-ordinated fashion.

I can tell the honourable gentleman that the issue of nursing homes and homes for the aged, which are divergent in terms of management and administration, is an interesting one for which the member for Simcoe West says there was a political will to find a solution. There ought to have been. It was the same political will that

obviously caused the problem. They were there when the divergences occurred.

Homes for the aged have been around for a long time, but the introduction of the nursing homes and the funding which went with those were obviously the result of a more modern administration's effort, not from a political will point of view, to deal in a very management-efficient way with the delivery of programming to the seniors who needed it. We have a commitment in that area and we are looking at ways of moving forward.

We have a number of people who are responding. Not only the Ministry of Health and the Ministry of Community and Social Services, but also the Minister without Portfolio responsible for senior citizens' affairs (Mrs. Wilson) are involved in addressing the issue in a long-term fashion and looking forward to dealing with the extended care act, which a number of the members here already are familiar with.

Not only are they familiar with that particular initiative, but they found here earlier in the day that the report from the standing committee on social development endorsed the role of the minister responsible for senior citizens' affairs by reporting and voting her estimates to her, so she could continue that very important work to undo some of the difficulties with which this administration has been harnessed as a result of previous inability to provide good programming.

I want to turn finally to the suggestion made by the honourable member for Simcoe West that people in the bureaucracy were unable to appear before Management Board. In fact, we are operating in Management Board, I think, this time with a policy that says when people wish to appear in front of us, they are particularly able to appear.

The interesting thing is that people who wish to bring forward new programming and new initiatives must do so on the basis of an endorsement through the MB 20 process, as the honourable gentleman is aware. For the public of the province, which may not be as familiar with it as we are, the MB 20 is an application for new money or movement of money around or the implementation of new programming which goes to Management Board for approval, because that approval invariably means the movement of money from one line of expenditure to another, as determined by allocations, or may require new money altogether or new staffing, or a new type of management structure to deliver the service. That entire MB 20 process is followed to get an

item before us and is endorsed by both the minister and the deputy minister of each ministry responsible for those applications.

Upon being requested to bring those things forward, after analysis, we will consider them at Management Board. We also, where there is an expressed interest on the part of the ministry, invite those people responsible to come before us. I have indicated that if at any time people wish to appear in front of us, they do so. If there is a particular problem, I am always very much available to see people and I do not have any restriction on the number of people I see during a day except the physical limitations of the clock.

We are going to be spending about two and a half hours in this House this afternoon dealing with the discussion of policy issues which are of importance to the public of the province. Since I am here, I am obviously restricted from meeting members of the public service who would wish to bring forward new initiatives, although I can tell members that the criticism which has generally been put on us, as an administration, is that we have been too open to expanding the new program horizon of the public service of Ontario.

They say that we are spending money too fast, that there is too much going out, that there are too many services being delivered. As regards the initiative we have undertaken in expanding the service levels for those people who have been underprivileged, for those people who were underrepresented by a previous administration, for those people who were unable to have access to providing a new sense of direction for the province—we have been criticized for helping those people too much.

But if there are people who have new initiatives who would wish to have them considered as a part of any ministry's movement towards a brave new world, then obviously it is up to the administration of that ministry to bring them forward and Management Board will address them in its usual thorough manner. I can tell the honourable gentleman, though, that just because an issue comes forward, it does not mean that we approve every issue that comes forward as written.

#### 1750

Before issues are approved by this Management Board of Cabinet, I have indicated quite clearly that the business plans must be sound and must include an indication that those people will have measurement criteria for new programs, as I had earlier set out: they must include a way in which they address the corporate initiatives of providing service to the public in languages other



than English, as required; they are required to reflect in hiring of new staff the employment equity corporate strategies which we have; they must be sensitive to the overall corporate need to efficiently and effectively change the construction of the public service so it reflects Ontario in general.

I cannot say to the member for Simcoe West that because a plan comes forward we will say, "Go ahead and do it." In fact, we at all times will be looking for efficiencies. I appreciate that the gentleman is shaking his head and saying, "No, I didn't say that." But I want to be absolutely sure he understands that we would not necessarily say yes to everything that came forward.

We have prided ourselves in keeping a very open forum; if people wish to see us, they are certainly well able to come in and talk to us. In fact, on occasion I have extended the invitation to people who might well have not chosen to come and see us in the first place, because I had felt there was a deficiency in the manner in which the programs were fully put down on paper. I think that has been healthy.

I extend in the most public fashion possible an invitation to those other people to come forward if they wish to appear in front of us. I extend the invitation at all times, of course, to any of my colleagues in executive council to discuss and promote the programs which they wish to have approved by Management Board.

In addition to that, by the way, so the members know we at Management Board are not just dollars-and-cents oriented, we have taken to being able to examine policy in a slightly broader nature. I know the member for Simcoe West will appreciate what I am saying, because in the early days it became more dollars and cents and I think it is evolving. He mentioned, for instance, during his time the introduction of the internal audit, which helps to do certain things. Like him, I have taken to moving Management Board discussions just a little further on so that we have as a board a policy consideration opportunity every once in a while so we can keep perspective on where the management of our human resources and our fiscal resources is directed.

I think that is probably a good and positive initiative as well. It certainly is from my point of view, as I am able to get a much broader input. Then from time to time I will invite people from other ministries in conjunction with human resources and Management Board secretariat to provide us with some interesting insight into some of those new areas.

If the impression is, and I know the member is reporting what has been brought to him, that some members of the civil service cannot get in front of Management Board, the invitation is generally one of a very open nature so that people can come and make their representations; not necessarily a stamping of approval of their applications but to explain if they wish.

**Mr. McCague:** The minister seems to be particularly sensitive about how many ministry staff people there are in all the ministries in government. He is very sensitive about that and rather accused me of being irresponsible in even having raised it. I will just tell the minister what I will do with him. Add up the previous, add up what it is now, and if I am wrong, I will apologize publicly to him.

**Hon. Mr. Elston:** I thank the honourable gentleman for that pledge. I know he wants people to know that his administration was very creative in the manner in which it brought people on as the ministers' direct personal staff, or the manner in which it brought people in on contracts as consultants to write speeches for people like the former member from London South, not the current member.

I want the honourable member to know that I was not suggesting that he was wrong in raising the question of ministers' staffs having large numbers. That, in fact, is a very important issue and it is one about which I am quite concerned because I, like him, want to make sure that people are efficiently proceeding to do their business, that they are not just using positions as ministers to hand out jobs and get no performance out of them.

What I did say was that I felt it was not responsible for him, as he has tried to do now on three separate occasions, to isolate the increase in the administrative costs of the head office of each of our ministries to solely the staff.

**Mr. McCague:** Answer the question that I asked.

**Hon. Mr. Elston:** Now he is indicating that he was not trying to do that, so I want to put clearly on the record that the sole reason for the administrative costs increasing is not the number of ministers' staff people and it is not the cost of ministers' staff people. That is extremely important.

I will tell the honourable member that when it comes right down to the fact, we are hiring people to assist us, but we are not doing the creative stuff that his organization used to do. That is what this is partly about. When I went through the number of people who were hired for

the civil service of Ontario, part of that issue was again the creative way in which there was head count. That reflected the old style of management, the old style of administration, which talked about the number of individuals available but did not talk about the way in which those people performed and responded to the task.

I very much want the people in Ontario to know that the number of people is important, without question, but the way in which they perform in the public service for an employer, for the money they are paid, is of primary importance to us. The manner in which we treat those people in a sensitive and caring fashion so that they can not only carry on their jobs as civil servants in Ontario but also as parents, as children of ageing parents, as volunteers in the community, is equally important to us, and it is something for which I have a real feeling. I hope that we can respond as a model employer on those lines as well.

**Mr. Philip:** I wish we had more than two hours left in this set of estimates, because we have barely started into them. I do want to deal with pensions, but I do not want to start at this hour, because we simply cannot get into the detail in which I want to deal with them.

Let me, in the last two minutes that we have, put on the record a series of two or three questions which I hope the minister would like to think about. I guess we will not be dealing with

this set of estimates again until the House is recalled on January 3 or some time around there, but he may want to think about them and prepare a written response that he can table and we can all look at.

The Canadian Comprehensive Auditing Foundation concept of management representations is one that I think is drawing a lot of interest in the public service across the country, and probably around the world. I guess I have a three-part question that the minister might want to think about.

What are the issues which he feels a deputy minister should be addressing in his or her annual review? Are these linked to specific performance targets?

How are they verified, in his opinion? Does Management Board see a role for his internal auditors in this, or who specifically has this role in examining these?

Last, is Management Board or the minister familiar with the federal government's involvement in the municipal administration initiative, and what does Management Board think of it? Will he be implementing something similar, or in which direction does he intend to go?

I see that my time has run out.

On motion by Mr. Philip, the committee of supply reported progress.

The House adjourned at 6 p.m.



## RESPONSES TO PETITIONS

### RETAIL STORE HOURS

Sessional paper P-7, re Sunday shopping.

**Hon. Mrs. Smith:** The government has concluded that municipalities should have the option to decide retail hours on Sundays and other holidays and has introduced legislation to accomplish this.

The new law contains standard store closing rules for all of Ontario. These standard rules will remain in place unless a municipality decides for its own reasons to alter the law to reflect its own values or needs. It may do this by permitting stores to open or requiring them to close on Sundays and holidays. Municipalities are entitled to make this choice for themselves.

Under amendments to the Employment Standards Act, all retail workers will be able to refuse Sunday work which is, in their view, unreasonable, and the legislation will protect workers against reprisals. Employers and employees will be encouraged to work out co-operative arrangements for Sundays. If no settlement is reached through mediation, the matter will be referred to an independent referee.

The current law has been found to be unenforceable and has been abused by some retailers. The proposed amendments provide a

workable, fair and flexible solution to the issue of Sunday and holiday shopping.

### CHURCH OF SCIENTOLOGY

Sessional paper 33, re Church of Scientology.

**Hon. Mr. Scott:** The abovenoted petitions request that the outstanding charges against the Church of Scientology of Toronto be withdrawn.

The preamble to the petition contains several errors which should be noted:

1. "An entire church" is not charged with a criminal offence. The accused is the corporation Church of Scientology of Toronto;

2. The alleged offences did not occur over a decade ago. The charges of possession of stolen property span a time period ending March 3, 1983.

As I have noted in responding to other correspondence pertaining to this case, the Court of Appeal for Ontario has held that those who commit secular crimes are not immune from prosecution merely because the crimes are committed to further the objects of a religious organization. This principle is equally applicable to individuals and corporations.

Any further comment regarding the Scientology case would not be advisable as the case is presently before the courts and is subject to a ban on publication of the evidence.

**ALPHABETICAL LIST OF MEMBERS\***  
(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

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| <p>Adams, Peter (Peterborough L)<br/>           Allen, Richard (Hamilton West NDP)<br/>           Ballinger, William G. (Durham-York L)<br/>           Beer, Charles (York North L)<br/>           Black, Kenneth H. (Muskoka-Georgian Bay L)<br/>           Bossy, Maurice L. (Chatham-Kent L)<br/> <b>Bradley, Hon. James J.</b>, Minister of the Environment (St. Catharines L)<br/>           Brandt, Andrew S. (Sarnia PC)<br/>           Breagh, Michael J. (Oshawa NDP)<br/>           Brown, Michael A. (Algoma-Manitoulin L)<br/>           Bryden, Marion (Beaches-Woodbine NDP)<br/>           Callahan, Robert V. (Brampton South L)<br/>           Campbell, Sterling (Sudbury L)<br/> <b>Caplan, Hon. Elinor</b>, Minister of Health (Orillia L)<br/>           Carrothers, Douglas A. (Oakville South L)<br/>           Charlton, Brian A. (Hamilton Mountain NDP)<br/>           Chiarelli, Robert (Ottawa West L)<br/>           Cleary, John C. (Cornwall L)<br/>           Collins, Shirley (Wentworth East L)<br/> <b>Conway, Hon. Sean G.</b>, Minister of Mines (Renfrew North L)<br/>           Cooke, David R. (Kitchener L)<br/>           Cooke, David S. (Windsor-Riverside NDP)<br/>           Cordiano, Joseph (Lawrence L)<br/>           Cousens, W. Donald (Markham PC)<br/>           Cunningham, Dianne E. (London North PC)<br/>           Cureatz, Sam L. (Durham East PC)<br/> <b>Curling, Hon. Alvin</b>, Minister of Skills Development (Scarborough North L)<br/>           Daigeler, Hans (Nepean L)<br/>           Dietsch, Michael M. (St. Catharines-Brock L)<br/> <b>Eakins, Hon. John F.</b>, Minister of Municipal Affairs (Victoria-Haliburton L)<br/> <b>Edighoffer, Hon. Hugh A.</b>, Speaker (Perth L)<br/>           Elliot, R. Walter (Halton North L)<br/> <b>Elston, Hon. Murray J.</b>, Chairman of the Management Board of Cabinet (Bruce L)<br/>           Epp, Herbert A. (Waterloo North L)<br/>           Eves, Ernie L. (Parry Sound PC)<br/>           Farnan, Michael (Cambridge NDP)<br/>           Faubert, Frank (Scarborough-Ellesmere L)<br/>           Fawcett, Joan M. (Northumberland L)<br/>           Ferraro, Rick E. (Guelph L)<br/>           Fleet, David (High Park-Swansea L)</p> | <p><b>Fontaine, Hon. René</b>, Minister of Northern Development (Cochrane North L)<br/> <b>Fulton, Hon. Ed</b>, Minister of Transportation (Scarborough East L)<br/>           Furlong, Allan W. (Durham Centre L)<br/> <b>Grandmaitre, Hon. Bernard C.</b>, Minister of Revenue (Ottawa East L)<br/>           Grier, Ruth A. (Etobicoke-Lakeshore NDP)<br/>           Haggerty, Ray (Niagara South L)<br/>           Hampton, Howard (Rainy River NDP)<br/>           Harris, Michael D. (Nipissing PC)<br/>           Hart, Christine E. (York East L)<br/>           Henderson, D. James (Etobicoke-Humber L)<br/> <b>Hošek, Hon. Chaviva</b>, Minister of Housing (Oakwood L)<br/>           Jackson, Cameron (Burlington South PC)<br/>           Johnson, Jack (Wellington PC)<br/>           Johnston, Richard F. (Scarborough West NDP)<br/>           Kanter, Ron (St. Andrew-St. Patrick L)<br/> <b>Kerrio, Hon. Vincent G.</b>, Minister of Natural Resources (Niagara Falls L)<br/>           Keyes, Kenneth A. (Kingston and The Islands L)<br/>           Kormos, Peter (Welland-Thorold NDP)<br/>           Kozyra, Taras B. (Port Arthur L)<br/> <b>Kwinter, Hon. Monte</b>, Minister of Industry, Trade and Technology (Wilson Heights L)<br/>           Laughren, Floyd (Nickel Belt NDP)<br/>           LeBourdais, Linda (Etobicoke West L)<br/>           Leone, Laureano (Downsview L)<br/>           Lipsett, Ron (Grey L)<br/>           Lupusella, Tony (Dovercourt L)<br/>           MacDonald, Keith (Prince Edward-Lennox L)<br/>           Mackenzie, Bob (Hamilton East NDP)<br/>           Mahoney, Steven W. (Mississauga West L)<br/> <b>Mancini, Hon. Remo</b>, Minister without Portfolio (Essex South L)<br/>           Marland, Margaret (Mississauga South PC)<br/>           Martel, Shelley (Sudbury East NDP)<br/>           Matrondola, Gino (Willowdale L)<br/>           McCague, George R. (Simcoe West PC)<br/>           McClelland, Carman (Brampton North L)<br/>           McGuigan, James F. (Essex-Kent L)<br/>           McGuinty, Dalton J. (Ottawa South L)<br/>           McLean, Allan K. (Simcoe East PC)<br/> <b>McLeod, Hon. Lyn</b>, Minister of Colleges and Universities (Fort William L)<br/>           Miclash, Frank (Kenora L)</p> |
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Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.

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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**  
Tuesday, December 13, 1988



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, December 13, 1988

The House met at 1:30 p.m.

Prayers.

## APPLES

**Mr. Miller:** I would like to take just a moment to indicate that the apples on members' desks today are grown in Norfolk county, my riding of Norfolk, on the farm of Tom and Joan Haskett near Vittoria. Vittoria was the capital of southern Ontario back in the early 1800s and it is the Garden of Eden of Ontario. This is just to bring a little Christmas spirit to our last week's sitting in the 1988 season. We would like to make it known that we present them to the members. Merry Christmas to everyone.

## MEMBERS' STATEMENTS

### APARTMENT BUILDING INCINERATORS

**Mrs. Grier:** Today I will be tabling a petition on behalf of 265 residents in an area of high-density housing in the borough of East York in Metropolitan Toronto. The residents are fed up with the black smoke and horrendous odours from apartment building incinerators at 85 and 95 Gamble Avenue. These are old, poorly maintained incinerators with almost no pollution control equipment. Such incinerators routinely emit serious pollutants such as lead, acid gases, carbon monoxide and dioxins.

The Liberal government, better late than never, will finally require the shutdown of all apartment building incinerators by next May 31, but what are the residents of East York and other areas to do in the meantime? They cannot put their health on hold for six months. The community near the Gamble Avenue buildings has a large population of both senior citizens and young children, the two groups most susceptible to respiratory illnesses from air pollution.

The argument has been advanced that it is not possible to charge the owners of the apartment buildings with violating the Environmental Protection Act because the incinerators will be out of operation by next May anyway, long before the charges would get to court. That argument is sheer nonsense from a legal perspective. If the incinerators are polluting today, then the owners should be charged and brought to trial for an

offence that is occurring today. The May 31 deadline for incinerator closure is a complete red herring. The East York petitioners want the incinerators closed down immediately, and so they should be.

## CONSERVATION AUTHORITIES

**Mr. Pollock:** I am concerned that the Bugar report, which reviewed conservation authorities, did not give more consideration to their mandate. It is premature to start amalgamating authorities and making drastic changes in the funding formula. Bugar outlined what conservation authorities should not be responsible for instead of saying what they should be doing.

For instance, the report says that authorities should not be responsible for locally or regionally significant parks; they should not be spending so much effort on conservation education; they should not be supplying public information, and they should not be involved in natural area preservation.

Who is going to do this? Bugar said municipalities should take some of the responsibility, but where is the money coming from? Once again this Liberal government is expecting the municipalities to do the job.

Conservation authorities should be the flagship of the province's goals for sustaining society. They should be viewed as an important link between conservation and natural resources and the responsible economic development outlined in the Brundtland commission. We must be sure that when we implement reforms, they will be the best reforms possible for Ontario citizens, for municipalities and for the environment. This report should be the first step for discussion and negotiation. The government should be bringing this review to the public forum and debate in the Legislature.

## TRANSIT SERVICES

**Mrs. Stoner:** I would like to speak today about a success story, the operation of the government of Ontario's GO Transit network.

Recently I had the pleasure of joining the Minister of Transportation (Mr. Fulton) at the opening of the new GO stations at Ajax and Whitby and the refurbished facility at Pickering.



We were joined by the member for Durham Centre (Mr. Furlong) and the member for Durham East (Mr. Cureatz) at Whitby.

Since December 5, commuters from Durham region and points east have been able to access this service closer to their homes, reducing their travel time to and from work by up to one hour. Also, the new service allows Metropolitan Toronto residents to more easily visit, shop and work in Durham region. On behalf of my constituents, I would welcome employers to consider Durham as an affordable place to locate.

The addition of this service helps to provide for and to relieve the expanding traffic congestion problems that we see growing in the Metro Toronto area. For instance, one full 10-car train will carry the same number of passengers as would be carried by one lane of freeway traffic moving at 35 kilometres an hour for a one-hour period. We all know it is very difficult sometimes even to move at that rate, given the volume of traffic, so I would encourage those who fume in traffic to consider the GO Transit alternative. The time saved by going to and from work could well be better spent in their homes and communities.

I might add that the GO Transit service to Ajax is so successful that we have already seen the parking lot overloaded. I understand the parking lot can be expanded. I hope that will be done soon.

### HOME CARE

**Mr. Morin-Strom:** For more than two years now, homemaker organizations across Ontario have warned that they cannot continue to provide needed home care services if this Liberal government continues to restrict funding. Now the province's most important nonprofit agency, the Red Cross homemaker services, has announced that it will be forced to withdraw its services to hundreds of citizens in my community and to nearly 100,000 clients right across Ontario unless there is an indication by January 20 that its program will be adequately funded.

For 63 years, the Red Cross has provided in-home assistance, with essential daily activities for seniors, the disabled and individuals recovering from acute or chronic conditions. Now this outstanding organization faces an unmanageable deficit caused by inadequate funding. The Red Cross has called for a reallocation of funding for health and social programs in order to ensure that the growing needs for in-home support services can be met.

Surely home care services must be a cornerstone of Ontario's community health social services system, the only alternative to high-cost institutional care. The Premier (Mr. Peterson) and his Liberal government must accept responsibility for the crisis they have caused and take action now to fix this mess. Citizens right across the province are demanding a real commitment of support for the Red Cross and other home care agencies so that those in need can stay in their own homes and get the care that they rightly deserve.

### ENVIRONMENTAL ASSESSMENT

**Mrs. Marland:** I rise today to express my dissatisfaction with the leadership from Ontario's Minister of the Environment (Mr. Bradley). The minister's refusal to provide guidance to municipalities has once again resulted in disastrous ramifications.

The St. Lawrence Square housing project in the city of Toronto has turned into an environmental fiasco. The Minister of the Environment exempted this housing project from the Environmental Assessment Act the same day the Liberal Minister of Housing (Ms. Hošek) announced the plan to expropriate 67 acres of industrial land on the floodplain of the Don River. Not only is this land in a precarious location for flooding, but it is also in an area where the soil was contaminated from years of industrial use.

1340

The ministry exempted this project from the Environmental Assessment Act with little, if any, idea of the environmental implications development would bring. His reason for the exemption was primarily because of the delay it would cause in bringing the housing stock on to the market. Now the city finds the soil is more contaminated than it expected. Surprise, surprise.

He has also exempted 85 other projects from the Environmental Assessment Act since he became minister, and many of these exemptions were because they would cause undue delay and expense. The minister acted irresponsibly in exempting the St. Lawrence Square project. What about the other 85? This minister's so-called commitment to protecting the environment is an insult to Ontarians.

### TALMAGE STONE

**Mr. Keyes:** On Friday, December 9, Talmage Stone, one of eastern Ontario's oldest pioneers, died at his home in Forfar at age 92. Mr. Stone was known for several pioneering agricultural



initiatives, among them the introduction of artificial insemination to the dairy industry in Ontario, his community leadership, and his success in preventing the Forfar Cheese factory from closing in 1962.

He gained national prominence at the age of 86 when he vowed he would rather go to jail than adopt the metric system of weights and measures. He refused to sell cheese in kilograms. He was also an innovative dairy farmer and community leader, before he assumed the management of the Forfar Cheese factory from 1963 to 1985. Mr. Stone retired just three years ago after putting the factory on the cheese-making map of Ontario, yet visited his staff almost every day.

The agricultural community paid tribute to Mr. Stone last summer when he received the Centennial Award for the Ontario Ministry of Agriculture and Food as one of a hundred residents of Ontario who made a significant contribution to agriculture in this century.

Mr. Stone described himself as the most rabid Liberal in Leeds county. He ran for the Liberal Party in the 1959 provincial election, against the late James Auld of Brockville.

Mr. Speaker, please join with me and all members of this House in paying tribute to Talmage Stone, one of Ontario's finest pioneers. It may well be said of Talmage, as he has said of a few other outstanding citizens: He was an honourable man.

#### CONVERSION OF RENTAL ACCOMMODATION

**Mr. Harris:** In the few seconds available to me, Mr. Speaker, I would like to bring to the attention of the government the concerns of the Ontario Tenant Action Coalition representing more than 7,000 tenants, most of them residents of three large Toronto apartment town house complexes. These tenants in Bretton Place, High Park, and Cedar Grove have had their rights taken away from them by this government for a period of three years and are calling on the Attorney General (Mr. Scott) to investigate the constitutionality of—

**Mr. Speaker:** Thank you. That completes the allotted time for members' statements.

#### SUPPLEMENTARY ESTIMATES

**Hon. Mr. Elston:** I have a message from the Honourable the Lieutenant Governor signed by his own hand.

The Lieutenant Governor transmits supplementary estimates of certain additional sums required for the services of the province for the

year ending March 31, 1989, and recommends them to the Legislative Assembly.

#### STATEMENTS BY THE MINISTRY

##### ASSISTANCE FOR THE HOMELESS

**Hon. Mr. Sweeney:** I would like to inform members of programs being initiated in several Ontario communities to partially address the problem of homelessness. As members know, this government's strategy to address homelessness has many elements. My colleague the Minister of Housing (Ms. Hošek) has already introduced a number of programs designed to increase the supply of permanent affordable housing. Homes Now is one such example.

In addition to programs such as these, the province has recognized that there is a need for further solutions. As members may remember, several months ago the Minister of Housing and I announced a plan to form local committees to assist their respective communities to help homeless individuals find and remain in permanent housing.

To build on the working partnerships already developed with these communities, communities in Ontario were encouraged to work with my ministry and the Ministry of Housing to develop local access-to-permanent-housing committees.

The province set aside \$6 million in ongoing access funding so that community groups could provide staff-oriented services to enable homeless people to find homes.

The province supports local solutions and commends the members of local access-to-permanent-housing committees for their commitment to people in their communities who face the difficult problem of how and where to find permanent homes.

The Minister of Housing and I are pleased to tell members today that in 31 communities across the province, access-to-permanent-housing committees are now in existence. I am also announcing that projects submitted by 12 of these committees are receiving a total of \$1,756,000 to help make access to permanent housing a reality for the homeless in their communities. Locations where action will be taken are the Dufferin area, Durham region, Halton, Hamilton-Wentworth, Kenora, London, the Niagara region, North Bay, Perth county, Sudbury, Victoria county and the Windsor-Essex area.

The approved projects I am announcing today are the first group of successful proposals from the access-to-permanent-housing committees. Other committees are also working on proposals



which the Minister of Housing and I expect to receive early in 1989.

The projects in 12 communities have one simple focus: To help homeless people find and maintain permanent housing. Let me just give members two examples. In North Bay, a group known as Low Income People Involvement of Nipissing operates both as a self-help group for people with low incomes and as a social action group.

With the funding I am announcing today, this group will assemble and offer information on housing options. It will also provide vital peer support for homeless people and people at risk of becoming homeless, giving them the assistance to obtain permanent homes.

Another example is a project that will begin in Halton region. Halton Women's Place will now be able to hire a housing co-ordinator to help abused women and their children to find housing. The co-ordinator will advocate on their behalf with landlords, liaise with other housing groups and compile a directory that shows clearly and immediately where accommodation might be available.

Knowledgeable and experienced people in many communities have volunteered to form access-to-permanent-housing committees. They use their time and expertise to find access to housing. Their involvement is a clear indication that their communities, as do our two ministries, care enough about the plight of those who are homeless to take action on their behalf. Among local people who have expressed their concern and determination to make access to permanent housing possible are municipal officials, social service providers, individuals involved in the housing sector and other responsible citizens from all walks of life.

Our provincial and municipal goal is to solve the problem of where and how to find permanent housing. The projects I am announcing today are an important part of that solution.

#### TRANSFER PAYMENTS

**Hon. Mrs. McLeod:** I am pleased to rise today to announce increased funding for Ontario's colleges and universities.

This government will provide \$1,670,600,000 in operating grants to Ontario's universities and related institutions in 1989-90. This represents an increase of \$116.2 million or 7.5 per cent over total operating support provided for 1988-89. This increase brings the cumulative funding increase since this government took office to 34.2 per cent.

A major component is \$51.6 million in new funding to recognize enrolment growth in the current fiscal year and to promote accessibility for underrepresented groups. This will bring the total amount of accessibility funding in 1989-90 to \$88 million.

We will be providing \$3.8 million in increased funding for the ministry's French-language and bilingual programs and activities at universities. This brings the total for these programs to \$24.1 million in 1989-90, an increase of 18.7 per cent.

As well, \$4.3 million in increased funding has been allocated for the faculty renewal program, which is supporting the appointment of 500 new faculty members over five years. Seventy more faculty will be appointed in 1989-90, bringing the total number of positions funded by the fourth year of this program to 438. University tuition fees in 1989-90 will rise by 7.5 per cent, in direct proportion to the increases in government funding.

#### 1350

The colleges of applied arts and technology, like our universities, play an integral role in the enhancement of post-secondary education in Ontario. I am pleased to inform the Legislature today that the government will be providing \$698.4 million in operating support to our colleges for 1989-90. This is an increase of 5.6 per cent, or \$37.1 million, over the last allocation. Since 1985, operating support for colleges has increased by 43.2 per cent.

Included in the base used to determine the 1989-90 grants are special funds introduced last year for northern colleges, special-needs students and French-language programming. I am pleased to confirm that these programs will continue in 1989-90.

This year's allocation also includes an increase of \$8 million to the base to assist the colleges in meeting their financial commitments resulting from the provisions of the academic staff contract signed in May 1986. The base operating grant will rise by four per cent in 1989-90. Effective September 1, 1989, tuition fees for college students will increase at the same rate as provincial operating grants, 5.6 per cent.

**Hon. Mr. Ward:** Following the statement by the Treasurer (Mr. R. F. Nixon) yesterday, I would like to announce our increased funding to school boards for their budget year of January to December 1989.

Next year, Ontario elementary and secondary schools will receive a total of \$4,129,200,000, an increase of \$237.5 million over our 1988



allocation. This represents an increase of 6.1 per cent in operating funds for next year.

As the Treasurer announced yesterday, an important component of the 1989 education transfer payments will be a further allocation of \$81.5 million towards the implementation of our 1987 throne speech initiatives, including the reduction of class sizes in grades 1 and 2, our revitalized computers-in-education grants program, new textbooks, more learning materials and our intermediate science initiatives. This brings to \$145.8 million the amount we are spending in 1989 on these important improvements in elementary education.

In addition to these general legislative grants for operating purposes, members will know that this government has committed for next year an additional \$300 million for school capital projects. As well, with the green paper released yesterday, we are examining important new ways of financing school capital.

I am confident that the total 1989 provincial allocations will provide school boards with the means to continue to deliver high-quality education for our children. Specific details of the 1989 general legislative grants will be provided in the new year.

#### POLICE TREATMENT OF VISIBLE MINORITIES

**Hon. Mrs. Smith:** I indicated yesterday my intention to meet with leaders of visible minority groups, along with my colleague the Minister of Citizenship (Mr. Phillips), regarding the death of Michael Wade Lawson. That meeting was held yesterday evening and lasted for well over three hours, during which those present expressed the intense concerns of the community respecting the circumstances surrounding the death of Mr. Lawson.

As members will be aware, the death of Mr. Lawson and the circumstances surrounding it are the subject of an ongoing investigation by the criminal investigation branch of the Ontario Provincial Police. A report of its investigation is expected to be delivered to a crown attorney from outside the regional municipality of Peel very shortly so that a determination can be made as to whether criminal charges should be laid in connection with the death of Mr. Lawson.

However the questions arising from the OPP investigation and the review of the crown attorney based thereon may be resolved, there will still remain unanswered the broader and very serious question of how visible minorities are being treated and are seen to be treated by our

police forces. This question, and the realities and perceptions associated with it, remain a very serious concern to me as Solicitor General and to the government of Ontario.

I am announcing today the establishment of a task force to address promptly the very serious concerns of visible minorities respecting the interaction of the police community with their own. I say this while reiterating this government's unequivocal commitment to respecting and ensuring equal treatment by the police of all minorities in our society. The task force will be chaired by Clare Lewis, the public complaints commissioner respecting complaints against the Metropolitan Toronto Police Force, and will comprise police and community representatives.

The task force will be asked to commence immediately an inquiry into police practices and policies, training and attitudes as they relate to visible minorities within our province. The detailed terms of reference for the task force will be made public very shortly. This task force is viewed by the government as the beginning of an action plan to remove any vestige of discrimination or perception thereof on the part of our police.

Neither the reality, if such there be, nor the perception can be tolerated for one minute longer. I have asked Mr. Lewis to provide me with a comprehensive report and the recommendations of the task force no later than two months from this day. I can assure members of this House that the government will give the most serious consideration possible to those forthcoming recommendations with a view to their implementation for the purposes that I have outlined above.

#### RESPONSES

##### POLICE TREATMENT OF VISIBLE MINORITIES

**Mr. B. Rae:** I want to respond to the statement from the Solicitor General (Mrs. Smith). The floor could be piled high with task forces on this subject going back over the last decade. We do not suffer from a lack of task forces. What we suffer from is a lack of clear leadership on the part of this government.

Yesterday we had the spectacle on this side of the House of having visits from the Attorney General (Mr. Scott) and from the Solicitor General explaining what their policies were. The only problem was that their policies were completely contradictory, the Attorney General saying he wanted to proceed with his legislation, the Solicitor General saying no, she had her own



ideas as to what should happen. They are quite different from that of the Attorney General.

We do not have a clear policy from this government on the question of a civilian review, a nonpolice review of police actions outside Metropolitan Toronto. We do not have a clear commitment to a public inquiry with regard to what happened to Mr. Lawson. We do not have a clear policy from this government on what should be the common procedure when there is an action by a policeman that is potentially criminal in nature.

It is our view that those actions should not be reviewed simply by another police force. They should be reviewed by a person who is truly independent of the police, in whatever jurisdiction. I say with great regret that the government's establishment of a task force does not begin to address the issues that need to be addressed.

#### TRANSFER PAYMENTS

**Mr. R. F. Johnston:** I would like to respond to the statements by the Minister of Education (Mr. Ward) and by the Minister of Colleges and Universities (Mrs. McLeod).

The Liberal fog machine is really at work today. Yesterday we heard about the enormous pass-through of unconditional grants that has been taking place to these institutions, and then today we hear from the Minister of Colleges and Universities that the bottom line, in fact, is a less than cost-of-living increase of four per cent to the basic operating grant. The government has been mixing its apples and oranges this time in terms of specific programs, which are government programs, which are not unconditional programs, at all that it is funding, and the funding for the universities in particular.

Hidden in this announcement is an increase in the amount that students are going to have to pay for tuition of 7.5 per cent, even though that does not equal the unconditional grants that the minister is passing through. She is now expecting students to pay even more to go to universities than in the past, therefore disrupting all her attempts to provide greater accessibility.

The Minister of Education has the gall to come in here again, making this sound as if this is a large and generous increase, when in point of fact he is admitting again this year that although this government promised, the Premier (Mr. Peterson) promised, \$269 million a year to put into the reduction of class size and other matters, this year he can put in only \$80 million. Last year it was only \$22 million. When we look at the total, he is spending \$145 million when he promised

that in excess of almost \$600 million would be spent by this time to increase the quality of education in Ontario.

1400

Why is there no mention of the other costs that are included here, around the extension of funding to the Catholic school system, which was 1.5 per cent of the amount of last year? And why is there no indication of what those kinds of costs are this year? The boards of the province are again being hoodwinked, in terms of being given the impression that they have in fact received enough money to meet their real costs.

#### ASSISTANCE FOR THE HOMELESS

**Mr. Allen:** I am responding to the announcement of the Minister of Community and Social Services (Mr. Sweeney) on the funding to access-to-permanent-housing committees. In the first instance let me say the minister just barely got these things under the line as far as many municipalities were concerned. In my own, for example, the regional municipality is beginning to question whether it should consider any further allocations on this subject, because the money did not seem to be forthcoming to back up the claims of the local committee that they would, in fact, be doing something in the coming fiscal year.

However, of course, one is always happy to see something being done to help people find housing, but one has to say this is really an exercise in the old proverbial game of finding the needle in the haystack. The problem is not essentially finding access to housing; it is finding the housing itself, as we all know, because the vacancy rates are plummeting down closer and closer to absolute zero, and the people who are in need are, at the very best of times, in a revolving-door situation, moving from one place to another that they cannot afford. If the minister himself were really serious about that question, he would take this issue off the backs of those people in social assistance who cannot find adequate housing because he does not have an appropriate ceiling to cover their expenses in his rates.

#### TRANSFER PAYMENTS

**Mr. Pope:** With respect to the statement by the Minister of Colleges and Universities (Mrs. McLeod), I note that the minister has announced a 7.5 per cent increase in university tuition fees that the students will be paying next year and an increase in tuition fees for college students in the amount of 5.6 per cent. Clearly the minister is



looking to the college and university students to pay for her failure and the failure of this government to adequately support the universities and colleges of this province.

With respect to the faculty renewal program, her announcement of \$4.3 million is \$36 million short of the target that is needed to implement this program. Therefore, the faculty problems now associated with our university system, which have been presided over by the Liberal government, are now going to be worse.

With respect to our colleges and universities in a time of increased utilization by young people of this province, in times when they have never been more clearly needed in terms of skills development and apprenticeship training and other training programs, the bottom line is a four per cent increase to the base. That is three per cent less than what the minister and this government have been advised is required even to maintain existing services.

What the minister is announcing today will be a reduction in services, in the number of placements for students in the college and university systems next year and in education opportunities, all presided over by a Liberal government that is wandering in a morass of government, that does not have its act together and is not helping the students and the people of this province.

#### POLICE TREATMENT OF VISIBLE MINORITIES

**Mr. Sterling:** I would like to respond briefly to the statement of the Solicitor General (Mrs. Smith) with regard to the shooting of Michael Wade Lawson. There is a great deal of confusion surrounding this particular case. The counsel for the family accused the Solicitor General this morning of prejudging the issue and whitewashing the whole affair. The announcement today by the Solicitor General gives no more indication to us that the allegations put forward by the counsel are not valid.

The member for Parry Sound (Mr. Eves) put forward a resolution to this House to have this whole general area of discussion put before the standing committee on administration of justice. We can look to our libraries and find all the information that is going to be brought forward to this particular task force. All that information is already there. We could have Clare Lewis in front of that particular committee to give evidence. Then that committee can make some determination of what to do in the sorry state of affairs by this government and by this Solicitor

General, who has been sitting on the police complaints bill for over three years without taking any action.

The time for action is now. The time for studying is past. Let us have a Legislative Assembly committee, the standing committee on administration of justice, do something right now.

#### ASSISTANCE FOR THE HOMELESS

**Mr. Harris:** I want to respond briefly to the statement by the Minister of Community and Social Services (Mr. Sweeney) regarding access to permanent housing.

First of all let me say that in this document, Transitions, prepared for the ministry, the report of the Social Assistance Review Committee, from pages 601 to 603 there are some 50 recommendations. I would imagine that the government spent a lot of money getting this document with 50 recommendations dealing with housing and homelessness. The minister has addressed none of those with his statement today.

The statement starts off by saying that it is this government's strategy to address homelessness, and it has many elements: "My colleague the Minister of Housing (Ms. Hošek) has already introduced a number of programs designed to increase the supply of permanent, affordable housing."

We know that with every single program that the Minister of Housing has come out with, affordable housing, whether it be for buyers or for renters, has become more and more beyond reach. Perhaps the best thing the government could do is just scrap the whole Ministry of Housing, from the minister right through to every employee on down, and perhaps we would have more affordable housing.

The minister talks about developing local access-to-permanent-housing committees. We agree. We agree with the piddling amount of money the minister is announcing today. The Low Income People Involvement of Nipissing group has done a wonderful job, quite frankly, without the government for the past three or four years. We are delighted that the minister is giving them a little support now. But it is what is not in his statement and what he is not doing that is an absolute disgrace around this province.

#### ORAL QUESTIONS

##### EDUCATION FUNDING

**Mr. B. Rae:** I have a question for the Premier. I would like to take the Premier back to the election of 1985. He was in Sudbury on March 28



when he was outlining his policy on education at Cambrian College in Sudbury. The Premier released a three-page policy statement on that day. On that day, the Premier said in a policy statement which he released to the province, "We will increase provincial subsidies for local schools from the current 47 per cent of total costs to 60 per cent over five years."

I wonder if the Premier can tell us whether he was telling the truth to the people of Ontario when he made that statement.

**Hon. Mr. Peterson:** It could be put forward to the people who are concerned that our all-in contribution is in the order of 58 per cent. When you look at capital funding and you look at the contributions to pensions and a variety of other things, the percentage of approved costs, I think you can put that view forward.

**Mr. B. Rae:** I guess the only conclusion we can come to is that the Premier mumbles when he is unhappy with what he has to say. He knows full well that when he was in Sudbury he was comparing 47 per cent to 60 per cent. Now he can just listen to Merlin as much as he likes and he can fiddle with the figures all he wants, but even Merlin the wizard is not going to be able to get him out of this problem.

The Premier said that he was going to increase the budgetary contribution from the people of Ontario's government from 47 per cent to 60 per cent. Now we find that for public elementary schools, for example, just to mention one comparative figure, in 1975 the government of Ontario was spending 53 per cent of budgets for elementary schools. In 1985, when the Premier took over, it was 37.86 per cent. In 1987 figures, the government is now contributing 35.24 per cent of the budget for elementary schools.

1410

**Mr. Speaker:** The question?

**Mr. B. Rae:** In the throne speeches for 1985, 1986 and 1987, the Premier said there was no issue in education more important than what is happening in our elementary schools. He has cut support for our public elementary schools down to 35 per cent. How does he square that?

**Hon. Mr. Peterson:** I just do not agree with my honourable friend's analysis of the situation. It is just that simple. If you look at the transfers in percentage terms, if you look at them in terms of absolute dollars, if you look at them in terms of the schools for special needs, if you look at the student-teacher ratio improving, if you look at what we are doing in computers, if you look at what we are doing in pensions, if you look at

what we are doing in capital, I say to my honourable friend the figures are all there for everyone to see.

My honourable friend would say that perhaps that should be regardless of whatever the school boards spend. As we know, school boards make various decisions on what they are going to spend whether it is authorized or not; but when he looks at the figures he will see real progress being made.

**Mr. B. Rae:** The Premier has broken a promise which he made to the people of the province. It is as simple as that. He told them one thing when he was asking for their votes. He is now doing exactly and precisely the opposite. There is no other way to describe it.

If he says in his throne speech, in our drive to help our young people reach their full potential we must as a society pay more attention to the "early school years from kindergarten to grade 6," how is it possible that the provincial share for public elementary schools in this province has fallen from 53 per cent in 1975 to 35.24 per cent in 1987 and is falling in 1988 and projected to fall even more in 1989? How can he continue to hope to get away with this kind of charade, this kind of fraud he is perpetrating on the people of the province when it comes to educational funding?

**Mr. Speaker:** Order. I would ask the member to withdraw.

**Mr. Reville:** Is that not fair comment, Mr. Speaker?

**Mr. Speaker:** Order. Perpetrating fraud?

**Mr. B. Rae:** Mr. Speaker, if I am not allowed, I will withdraw the word in this place.

Interjections.

**Mr. Speaker:** Order. Once again, I will ask the Leader of the Opposition, will you reconsider and withdraw?

**Mr. B. Rae:** I said I would and I will.

**Mr. Speaker:** Thank you.

**Hon. Mr. Peterson:** The leader is gracious as usual. I thank him very much for that and I appreciate it.

I think he should look at the figures and at what we have committed. We said in the last campaign that we were going to cut the student-teacher ratio in grades 1 and 2. We have made a budgetary allocation on the order of several hundred million dollars to do that. We have said that is where our emphasis is. We have said it in terms of computers and a variety of other programs, and we have done that. We said this in the science areas, and we are doing that.

I think if my honourable friend wants to look at that, he would want to take a different interpretation of it.

### AUTOMOBILE INSURANCE

**Mr. B. Rae:** My new question is to the Premier on his commitments with respect to insurance. I would like to ask the Premier what he intends to do about those companies in the province that are withdrawing their offering of insurance to hundreds, indeed thousands, of drivers in the province. Does he intend to take any action in that regard?

**Hon. Mr. Peterson:** It is a free country and they can offer insurance if they want to or not offer it.

**Mr. B. Rae:** We have a regulated system now in the province in which, supposedly, rates are being reviewed and the interests of drivers are being protected. If that is true, I wonder if the Premier can explain how, for example, Mr. Urquhart, a driver living at 726 Nelson Street in Fort Frances, hears from his insurance company that whereas in 1988 he is paying \$474, in 1989 the notice he receives from his company says, "We're going to charge you \$338 for a six-month premium," together with this notice: "The provincial government has indicated its intention to amend the automobile insurance classifications with respect to age, sex and marital status. Pending further clarification, we have therefore issued your attached renewal for a term of six months only"?

What is the Premier going to do to protect drivers from this kind of tactic on the part of insurance companies?

**Hon. Mr. Peterson:** I think lots of people are covered for six months, are they not? As the member knows, the board is wrestling with the matter. It will come forward with its recommendations, with his advice. In the meantime, there is a competitive system and there are other people offering insurance.

**Mr. B. Rae:** It is not a competitive system. The system has now been skewed totally towards the companies and the Premier's insurance board is doing nothing on behalf of consumers. He has not appointed his consumer advocate, he broke his promise to appoint a consumer advocate, he is doing nothing to intervene on behalf of consumers.

How does the Premier feel about an individual in Levack, Ontario, who is being told by his insurance company that he will no longer be insured because the Hanover Insurance Co. has simply said, "We are approaching other mar-

kets"? However, no other company is interested in taking on this automobile business. This individual gets a letter telling him that he is not going to be insured by the company with which he has been insured for a long time, and in fact it has not been able to find anybody else to insure him either.

Just what kind of game is the Premier playing with his so-called regulated insurance plan? We are going to find the same thing—

**Mr. Speaker:** Order.

**Mr. B. Rae:** —as happened in Massachusetts; 40 per cent of the people thrown into the facility plan because the government is not able to provide—

**Mr. Speaker:** Order. The question has been asked.

**Hon. Mr. Peterson:** I say with respect, we are not playing any game; the honourable member is playing a game. If there is a problem, it can be referred to the superintendent of insurance. He is there to assist in these matters. There is a facility there for people who are having trouble getting insured. I think if the honourable member wants to help the person mentioned, he can refer it to the minister or to the superintendent.

Interjections.

**Mr. Speaker:** Order. Other members would like to ask questions.

**Mr. Runciman:** I have another question about auto insurance, but since we do not get meaningful answers from the Premier, we will try the Minister of Financial Institutions.

It is rapidly becoming apparent that the Ontario Automobile Insurance Board is totally unprepared to receive meaningful public input or to respond to public concerns. In fact, the process has become something of a fiasco, as noted by the board's manager of communications and research, who said in the paper this morning that the volume of complaints from the public is so heavy, "we cannot get any phone calls out" of the office.

What we have here is a know-nothing Premier and a do-nothing minister. The Premier will not give us any meaningful answers to our questions and the minister will not do anything about the auto insurance problem. Is the minister now prepared to concede that the auto insurance board should be holding hearings outside Metropolitan Toronto and is he prepared to have the board do so?

**Hon. Mr. Elston:** The congratulatory tone of the preamble as it was directed towards me probably has ensured at least a ceiling for the type



of response I will make in reply. The honourable gentleman obviously overemphasizes some of the points he raises, in the sense that obviously there are a number of inquiries being made.

I can tell the honourable gentleman and the public that arrangements have in fact been made to assist in the call volume which has been coming in. I can tell the people of the province as well that the board has said that it is willing to sit extra time to take care of any of the public inquiries that wish to be handled in front of the board.

If one wants to appear, as I know the member does—and I know the member for Welland-Thorold (Mr. Kormos) has already appeared—in front of the board, then it will take the time to hear him. They will, in addition, take time to hear and will expand their time of hearings to accommodate the public interest.

That having been said, it seems to me that means the board has indicated that it wishes to have the broadest possible representation of the public's point of view. From my point of view, that will ensure a very good and thorough hearing and discussion of this particular issue in front of the board.

**Mr. Runciman:** Obviously, we do not agree. They have had over 1,000 phone calls and I am sure they were not all from the Metropolitan Toronto area. People can call, but that is not put on the record. They can write, but they cannot travel here. It is a costly exercise. It appears that the minister does not want the public to have its say on auto insurance, he does not want the auto insurance board to visit the major centres of this province to allow for democratic public input on this serious issue and he apparently does not want the people of Cornwall or the people of Ottawa or the people of Thunder Bay to have input.

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The public concern over proposed increases in auto insurance premiums is widespread. The phone lines at the board are jammed, yet the minister has not recognized the need for province-wide hearings.

Will the minister tell the House exactly why he is not prepared to have the auto insurance board extend its public hearings to hear from all concerned Ontarians, not just those able to travel to the board offices in Metro Toronto?

**Hon. Mr. Elston:** The public interest is being served by many parts of this hearing process. I think the honourable member would like the people of Ontario to understand as well that their interest is represented through the legislation which was passed in this Legislative Assembly

and which set the mandate for the board in the public interest to establish rates that are reasonable. That is one area in which the public is being served.

There are individual people who are putting the public point of view in front of the board as individual interveners. I think he will have read in the newspaper reports of the example of at least a couple of those. The member for Welland-Thorold has been there, along, I think, with a couple of people from the very vast number of people who make up the New Democratic Party research team. The member for Leeds-Grenville (Mr. Runciman), I think, is interested at least in having an attendance in front of the board, but I am not sure whether he has been there yet. I know he intends to be or at least the caucus intends to be. That is another way in which the public is represented.

In addition to that, the public interest is also represented on the part of the Consumers' Association of Canada, and the government of Ontario has made special finances available to those people with respect to—

**Mr. Speaker:** Thank you. Final supplementary.

**Mr. Runciman:** For the past number of days, the Premier and the minister have been airing platitudes of concern for consumers regarding the proposed rate increases by Mercer. The minister and the Premier have assured us they are very concerned about the possibility of a 35 per cent to 40 per cent average hike in rates. Then there is the broken election promise of the Premier that he would lower insurance rates.

Given the expressions of concern by the Premier and by this minister, will the minister tell the House whether he intends to join with our party and the official opposition and appear before the auto insurance board to present his government's concerns and those of the Premier; and if not, why not?

**Hon. Mr. Elston:** The public interest is, as I have said, represented in a broad number of ways in front of the board. I can tell the honourable gentleman that regarding his intervention, although he could not last week read even one of the questions that he put in front of us from the issues that were being raised, the fact is that he is going to be appearing, and I think it is helpful that he will be there.

We have done a couple of things that indicated our interest. In fact, the independent hearing board which is operating will be visited by and attended by the Consumers' Association of Canada, which is going to have experts who are



funded by a grant from the Ministry of Financial Institutions. Those particular types of interventions in the public interest, it seems to me, will help the process extremely well.

The board has been set up on the basis that it be at arm's length and independent of us, independent of government and independent of the insurance industry, so that the people of the province can be assured that there are very reasonable rates which are established in the public interest.

That having been said, I think the representation in front of the board will be very substantial and, in fact, will be fair representation.

#### USE OF LOT LEVIES

**Mr. Harris:** I have a question for the Minister of Housing concerning the costs of housing in the province. On the basis of her definition of affordability—that is the one in her document released by her and the Minister of Municipal Affairs (Mr. Eakins)—taking the average cost of a new home in the Metro Toronto area to be well in excess of \$200,000, could the minister tell us what percentage of Ontario residents who do not currently own a home and who may want to purchase a new home can now realistically hope to be able to afford to buy a home on the basis of her ministry definition of affordability?

**Hon. Ms. Hošek:** Our definition of affordability tries to deal, in particular, with two groups of people: people of low income and people of moderate income. It is true that in many parts of the province, and especially in the greater Toronto area, it is increasingly difficult for people of moderate income to afford to buy a new home. That is the reason we have put forward our land use policy. What it is meant to accomplish and what it will accomplish is that in all new building that is being done, in all new development that is being done, 25 per cent of the building will be affordable to people of low and moderate income.

What that means is that from now on, as building gets done and as the official plans of municipalities get laid, we will make sure that people of low income and moderate income have many more choices than they have had before.

What that also means is that the needs of people who have been having particular difficulty in this housing market, people of moderate income, will be much more likely to be met more quickly because the development process, the time scheme for development, the method of using land and the method of using building will all be used to enhance those choices to make sure

that people of moderate income have more housing choices than they do right now.

**Mr. Harris:** Every time the minister does something or the government does something, the cost of housing gets driven up higher and higher and higher. She has all these other ministers, including the Premier (Mr. Peterson) and the Treasurer (Mr. R. F. Nixon), who are working at odds with what she states is her objective.

The question I asked was: What percentage of Ontario people can now afford to buy a home? The minister does not seem to know the answer. Before she adds any new costs, any new lot levies, anything that is going to drive the price of housing higher, surely that would be a basic figure that she would want to know. Surely when she circulates a green paper document, she would want to release the impact of that document on how many more people in Ontario will not be able to afford to buy a home.

I would like to ask the minister: Does she have those numbers? Does she have those impact studies? If she does, why is she not releasing them? If she does not have them, why does she not have them, from her point of view?

Second, can she confirm that there is now in Metropolitan Toronto alone half a billion dollars of lot levy money that has been collected that has never been spent for the purpose it was collected for?

**Hon. Ms. Hošek:** This government is fully committed to making sure that people have many more choices in finding housing that is affordable and that they can afford to live in. That is my commitment and the commitment of the government.

In the discussion paper that was released yesterday, the need of support services for all the new communities that are being built was addressed. All of us know that people need housing, but they also need schools, roads and sewers. Finding a way to support the intense growth in this community is extremely important.

The paper indicated very clearly, as do I today, that we have two goals to meet. One is the goal of affordable housing for as many people as we can possibly help. I believe that our land use policy, the commitment we have made to 30,000 units under Homes Now and our use of government land in this process are all very significant commitments.

An example on the land policy is the Lakeshore Psychiatric Hospital site, on which an open house was held a little while ago to look at



the way in which that project will be built to make sure that there are affordable housing choices on that site. There will be many others; there are many others.

The twin goals are to increase the supply of affordable housing and also to meet the servicing costs of those communities, because I am not going to be party to a situation where people getting new homes in this province will not have adequate levels of service, adequate schooling and adequate—

[Applause]

**Mr. Speaker:** Thank you. Final supplementary.

**Mr. Harris:** At the same time, the minister is asking—I do not know why the Liberals applaud all the programs that are not working—people to comment on a green paper without giving them all the facts.

I asked the minister, does she have the impact statements done from the affordable housing perspective of adding an additional \$10,000? The president of the Ontario Home Builders' Association said it will add another \$10,000. Does she have the number of people who could afford to buy homes now? Does she not have—and I am astounded if she does not, so I assume she is covering them up—impact statements on what \$10,000 more will do? As I asked her in the last supplementary, can she confirm that \$480 million, almost half a billion, has already been collected in lot levies and has not been spent for the purpose for which it was to be collected?

**Hon. Ms. Hošek:** The whole question of lot levies has been worked on by the Ministry of Municipal Affairs, together with the Association of Municipalities of Ontario and the building community.

If the member reads the green paper, which it seems to me he has not done very carefully, he will see that one of the things the green paper does is talk very clearly about regularizing the lot levy system that already exists.

There are a significant number of municipalities in this province which collect municipal lot levies for the purposes of providing a variety of services to new residents. One of the things the paper discusses is the way in which the municipalities and the development community have come to some idea about how to make sure that system is regularized and appropriate costs charged.

On the question the member asked, about whether there is or is not a pot of money that has been spent in an inappropriate way, I can tell him

that the idea of the work the municipalities, the development community and the Ministry of Municipal Affairs have done is to make sure those resources will be spent for the purposes for which they were collected.

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## CONSERVATION OFFICERS

**Mr. Pouliot:** My question is to the Minister of Natural Resources. In February 1986, almost three years ago, the Minister of Natural Resources told this House that the conservation officers of Ontario would be given every opportunity to put forward their case in the negotiations. "We will do the right thing by those conservation officers." This is what the minister said almost three years ago.

His government has had almost three years to do what is fair, to give those brave people who risk their lives in the bush on a daily basis a salary above the pittance it is paying them now. They now earn \$31,500. The minister should compare this outrageous salary, for instance, with an enforcement officer under the jurisdiction of the Minister of the Environment (Mr. Bradley) who earns \$42,000, with the Ontario Provincial Police after two years on the job, \$42,305—

**Mr. Speaker:** Do you have a question?

**Mr. Pouliot:** —or with Metro Toronto which is chasing the people in Montreal with \$42,000.

The minister has a morale problem with the force. Obviously, by any standard, what is being paid now is not sufficient. Will the minister take his responsibilities and attempt to remedy this situation as soon as he possibly can?

**Hon. Mr. Kerrio:** The classification standard is the problem. We are looking at conservation officers who are looking towards policing in the province as some benchmark. There are those who feel, and I think negotiating is going on, that basically we have to talk about the classification before we can talk about the salaries. We are looking more to the conservation officers to do just that, to be part of the ministry and make certain they continue to do the role they are meant to do, and that is be involved in the management of natural resources as opposed to being definitely designated as police officers.

The Ontario Public Service Employees Union and Management Board, which are doing the negotiations, are going to have to agree on the classification before we can get into the realm of appropriate pay. I am rather disappointed, as is the member, that it has not happened up to this point in time, but I think the negotiations on the classification side were ongoing as recently as

this past month. I believe we put forward our position and the people who were working, negotiating through OPSEU, were coming back with sort of a different feeling about the classifications.

**Mr. Speaker:** Thank you.

**Hon. Mr. Kerrio:** Yes, I do take into account what he is saying, but that has a two-pronged approach on the classification and—

**Mr. Speaker:** Thank you. There might be a supplementary. The member for Algoma.

**Mr. Wildman:** Why is it the government will not accept that these conservation officers should be classified as peace officers when you consider that 75 per cent of the work done by the average CO is related to enforcement activities that involve the CO carrying a weapon, and in many cases dealing with people who are also carrying weapons? Particularly when the ministry does not know how much poaching is going on in the province and needs this kind of enforcement activity carried on, how is it that such an officer, this kind of person doing this kind of work, is paid \$10,000 less than an enforcement officer in the Ministry of the Environment who is not involved in any kind of peace officer work?

**Hon. Mr. Kerrio:** I thought I explained that very thoroughly. That is exactly the problem we have. There are those who would look at this from strictly a peace officer's involvement, in our ministry, the officers are brought up through the management of natural resources as technicians and are brought into the field of conservation officers. So there is a little bit of difference.

The member knows a presentation was made, and OPSEU and the officers who are attempting to reach that classification have examined it and said they would like to see changes made. It is not as though we have not been negotiating and putting forward a position to have them examine and bring back to us. That has been happening, not in the time frame the member would like it to happen, but as I said before, we do have the difficulty of whether we are managing resources or looking at police officers.

**Mr. Villeneuve:** Time.

**Hon. Mr. Kerrio:** Somewhere in between, I guess, lies the classification and the answer. Until both parties agree to that, we cannot negotiate the financial arrangements.

**Some hon. members:** Time.

**Mr. Speaker:** I would like to thank all the members for their assistance.

## APPRENTICESHIP TRAINING

**Mrs. Cunningham:** I have a skill-testing question for the Minister of Skills Development. I would like to ask the minister, which is the greater sum of money, \$35.9 million or \$37 million?

**Hon. Mr. Curling:** Maybe I should ask the honourable member to repeat her question. If the member is having difficulty with those figures, I could then request a slate or a blackboard or something, so we could see. If she repeats it—

**Mrs. Cunningham:** I do not blame him.

**Hon. Mr. Curling:** It is on understanding the question that I would like her to elaborate.

**Mrs. Cunningham:** I will assume the minister could answer the question, that \$37 million is more than \$35.9 million. The \$35.9 million is the amount the federal government agreed to give Ontario for apprenticeship training in the fiscal year 1987-88.

Interjections.

**Mr. Speaker:** Order.

**Mrs. Cunningham:** The \$35.9 million is the amount the federal government agreed to give the Ontario government for apprenticeship training in the fiscal year 1987-88, and the \$37 million is the amount the federal government agreed to give the province in the fiscal year 1988-89. These figures are contained in the Canada-Ontario agreement on training, signed by the Premier (Mr. Peterson) of this province on March 10, 1986. There is a copy here that anyone can read, perhaps for the first time, if they would like to.

Will the minister admit that the federal government has met and indeed exceeded its fiscal commitment under the Canada-Ontario agreement on training in each and every year, and that he is using the federal government as a scapegoat—

**Mr. Speaker:** Order. Thank you; minister.

**Hon. Mr. Curling:** Over the years that the federal government was funding the apprenticeship program itself, the demand had risen to \$42 million. Previously, they had funded \$37.4 million. This year, they have offered \$37 million. If the honourable member follows the figure, that is a reduction in their commitment to fund the apprenticeship program.

In the meantime, this is the same government that is so committed to the trade agreement that in order to make the necessary adjustments in training for workers, it then cuts back the apprenticeship program from \$42 million, the demand that is there, to \$37 million.



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## ENVIRONMENTAL PROTECTION

**Mr. Adams:** My question is for the Minister of Agriculture and Food. As the minister knows, I am very interested in the quality of our environment here in the province, across the country and around the globe. When I am approached on these matters, I try to make the point that on this side at least, the environment is no longer something of concern only to one ministry, even to one government or even to all the members of this House, and that it is a matter of concern to everyone.

A good example of that is the contribution of the Ministry of Culture and Communications to the environment recently through its production of the award-winning video on the greenhouse effect, which is being shown around the western world. Here in Ontario, we are responsible for a huge piece—

**Mr. Speaker:** Question.

**Mr. Adams:** —of the earth's surface. The minister is responsible for a large part of that land area. This means he can influence the quality of life of millions—

Interjections.

**Mr. Speaker:** Order. If the member does not have a question, I will recognize another member.

**Mr. Adams:** My question is simply this: What is the ministry doing to meet its responsibility for the environment?

**Hon. Mr. Riddell:** I can certainly appreciate the honourable member's strong commitment—I want to thank him for it—to a much-improved environment in this great province of ours. I will tell the honourable member that both this government and my ministry consider the environment a high priority. I do not think I need to tell the member, and I want to tell the people of Ontario, that they are very fortunate to have a person like my colleague the Minister of the Environment (Mr. Bradley), who firmly believes that the legacy we must pass on to our children—

[Applause]

**Mr. Brandt:** And then they all applaud.

Interjections.

**Mr. Speaker:** Order; minister.

**Hon. Mr. Riddell:** As I was saying, Ontario is fortunate to have a Minister of the Environment who believes very strongly that the legacy we must pass on to our children and to our children's children is clean air, clean water and productive

soil. At the ministry level, we have taken many new initiatives in the past three and a half years. One of those initiatives is our land stewardship program, which is a program designed—

**Mr. Speaker:** Order.

**Mrs. Marland:** You must look very gracious, Jim, as you listen.

**Hon. Mr. Bradley:** Way to go, Jack; thanks. That was a very good answer.

Interjections.

**Mr. Speaker:** Order; supplementary.

**Mr. Adams:** The braying of the opposition during that question and the answer shows its lack of interest in the environment.

Interjections.

**Mr. Speaker:** Order. I do not mind waiting. I have said that once or twice before.

Interjections.

**Mr. Speaker:** Order. I will recognize the member for a supplementary.

**Mr. Adams:** I think it shows their lack of interest in agriculture.

## ONTARIO HUMAN RIGHTS COMMISSION

**Mr. Philip:** I have a question for the Minister of Citizenship. In 1983, Mytrie Prashad provided documentary evidence that she was fired as a result of her condition of epilepsy. The Ontario Human Rights Commission would not investigate, after spending a year and a half on the complaint. After a further year and a half, the commission then agreed there was strong prima facie evidence to hold a board inquiry and ordered the inquiry. It was then dismissed on the grounds that the employer stated there had been such a delay.

Can the minister explain why such a delay of over three years resulted, and does the minister not think this kind of delay creates a tremendous injustice to the complainant?

**Hon. Mr. Phillips:** All of us are interested in a strong human rights commission, and one of the things all of us must strive for is a process that ensures we move quickly on complaints. That is one reason we have strengthened the Ontario Human Rights Commission. It is the reason we have taken the budget from \$4 million to \$7.5 million. We have added about 55 staff to the commission. Our new chief commissioner is putting processes in place that will ensure we move complaints more quickly because it is extremely important the commission deal quickly and effectively with complaints. We have

taken steps to do that and we are taking further steps.

**Mr. Philip:** Has the minister investigated this particular complaint to find out why it took over three years, and then the complaint was thrown out because of the delays? Can the minister assure us the Ontario Human Rights Commission now has adequate staff so this kind of fiasco will not happen in the future?

**Hon. Mr. Phillips:** We want a strong, independent commission. One has to be very careful about this minister investigating complaints personally because we want a commission that is independent. We must ensure I am not asked to investigate complaints personally.

I will do this: I will ensure the commission investigates that complaint. I will ensure it gets back to the member. The commission has already been strengthened. We have added substantially to the budget and to the staff, and we are looking at further improvements.

On the two issues, I think it is important we direct our questions to the commission and that we ask the commission to respond quickly to the member's request. Second, I repeat, we have taken steps to strengthen the Ontario Human Rights Commission and we are taking further steps.

**Mr. Speaker:** New question, the member for Durham East.

**Mr. Cureatz:** I have—

**An hon. member:** Look at his tie.

Interjections.

**Mr. Cureatz:** There is a big windstorm outside, but there is a lot of wind from this Liberal rump, I will tell you that.

**Mr. Speaker:** Perhaps the member could wait with that until members' statements some other time. Now, does he have a question?

**Mr. Cureatz:** Mr. Speaker, I have a point of order under the standing orders, on which I will refresh your memory. Of course, I want to point out to you—I know the member for Oshawa (Mr. Breaugh) will bring this to your attention—that you sit way over there and I sit way up here. Now, for people like the member for Markham (Mr. Cousens) and the member for Leeds-Grenville (Mr. Runciman), it does not—

**Mr. Speaker:** Order.

**Mr. Cureatz:** Sir, I have a point of order on this.

**Mr. Speaker:** What is your point of order?

**Mr. Cureatz:** I want to bring to your attention that under section 52, if you would like to peruse

the orders of procedure—of course, I used to have Erskine May memorized—it indicates that members are entitled to the privileges of this assembly. I want to point out to you, sir, that sometimes it becomes increasingly difficult for members close to the Liberal rump to make our particular points heard. Now you do not—

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Interjections.

**Mr. Speaker:** Order. Does the member have a question?

**Mr. Cureatz:** Mr. Speaker, I am entitled to my point of order and I am addressing that point of order. I have spoken to you about that before.

**Mr. Speaker:** Order.

#### YOUNG OFFENDERS

**Mr. Cureatz:** My question is to the Minister of Correctional Services.

**Mr. Speaker:** Thank you.

**Mr. Cureatz:** Is the minister aware of the surprising developments that have come to pass with the introduction of the Young Offenders Act? It is my understanding that some judges are giving young offenders longer sentences in an effort to ensure that these young people receive adequate treatment for drug, alcohol and other psychiatric disorders. The judges, to ensure treatment for these young people, are giving sentences of 15 months or more, even if the crime does not warrant this long sentence. Can the minister clarify for us that the treatment is readily available for those young offenders with a minimal sentence?

**Hon. Mr. Ramsay:** I must thank the member for Durham East and say that many of us over here have great sympathy for his point of order.

The simple answer to the question by the member for Durham East is yes. We have a very intensive regime of programming for young offenders. We base it on an interdisciplinary model that basically tries to integrate all the different programming we need to try to meet the total needs of the offender.

One of the programs I am most proud of is the high schools we run in our 16 YO facilities across this province. It is possible for young offenders, besides getting psychiatric treatment, drug abuse treatment and recreational programming, to get complete high school education in all our facilities.

**Mr. Cureatz:** I appreciate the concern the minister has in indicating that there are programs available. Would he provide for us, if not by the end of the week certainly in the new year,



statistics that indicate that judges are indeed sentencing properly and are not giving longer sentences just in an effort to make sure that those young people are getting the services they should be getting? Would he provide for us some statistical data on that in the new year?

**Hon. Mr. Ramsay:** It would not be up to me to make a judgement on the judiciary and how it is rendering sentences in this province, but what I can assure the member is that we are providing a very good program for all our young offenders in this province.

#### SEWAGE TREATMENT

**Mr. Daigeler:** My question is to the Minister of the Environment. Last Thursday I wrote an open letter—

Interjections.

**Mr. Daigeler:** If the members of the provincial Conservative Party are interested in this, especially those from eastern Ontario, last week I wrote an open letter to all my federal colleagues in eastern Ontario urging them to lobby for federal help in upgrading our sewage plants. Until 1982, I am sure members are aware, the federal government contributed towards sewer, road and waterworks across the country. As the minister knows, the situation in eastern Ontario is especially dramatic, with some plants being 35 to 40 years old. I am sure he will agree that the job to upgrade these plants is so immense that all levels of government must work together on renewing our sewage infrastructure.

**Mr. Speaker:** The question?

**Mr. Daigeler:** How is the minister encouraging the federal government to meet its obligations towards upgrading our sewage system and towards protecting our environment?

Interjections.

**Mr. Speaker:** Order. I wonder if all members would just remember the point of order of the member for Durham East (Mr. Cureatz). Thank you.

**Hon. Mr. Bradley:** As members of the House may know, each year on at least one occasion there is an annual meeting of the resource and environment ministers of Canada—it is largely the environment ministers in this specific case—at which time we attempt as a group to influence federal policy and to discuss with the federal minister the possibility of renewed federal participation as it was in the early 1980s in the field of providing assistance for sewage treatment plants.

Even though the government of Ontario has vastly increased the amount of money it will provide to regional municipalities such as Ottawa-Carleton, where we now have more than doubled the amount of money that was available under the previous regime, we would welcome some federal participation.

In fact, the Federation of Canadian Municipalities, with my support and the support of other provincial ministers, has lobbied the federal government to pay its fair share in protecting international waterways and indeed protecting waterways across the province. The member may be assured that we will continue to do so.

I was encouraged by the Honourable Don Mazankowski saying that he would at least meet with representatives of the Federation of Canadian Municipalities to talk about the possible participation of the federal government, because it would accelerate those programs, make them more comprehensive and expand them if the federal government were to participate.

**Mr. Daigeler:** I would like to switch gears a little bit for the supplementary and ask the minister about the provincial contributions towards sewage treatment.

Last December, the minister wrote to me saying that consideration was being given to funding storm sewer construction intended to remedy environmental problems. May I ask whether there have been any developments on this matter and what is the status of the proposed policy change?

**Hon. Mr. Bradley:** As we move into the new year and look at programs that have been in effect for a long period of time, we try to make adjustments to those to face the new realities that are out there. In other words, regional municipalities have often made the case to us that small municipalities within the region, just to use an example, may not be eligible for the same degree of support as ones that would be outside a region. That is one example.

The example the member has brought to my attention is one which our management committee of the Ministry of the Environment is reviewing at this time as we go into the new fiscal year. I am hopeful that we will make the kinds of adjustments that will be beneficial to the municipalities and ultimately to the waterways of this province and services into the province, as we anticipate they should.

#### RENT REGULATION

**Mr. Breaugh:** I have a question for the Minister of Housing concerning the ongoing problems of the rent review system.

How does the minister explain that in this fiscal year she will spend more than \$26 million to implement a law that simply will not be implemented? How does she explain that she will spend that kind of money, yet she cannot, for example, answer the question of the tenants at 620 Jarvis Street in Toronto who are seeking a decision on their 1985-86 rent? How does she explain to them that system costs so much money, yet she cannot answer the simple question of what their legal rent was three years ago?

**Hon. Ms. Hošek:** The question the member is asking deals with the work of the rent registry. What the rent registry does is—

**Mr. D. S. Cooke:** No, no. They haven't yet determined the rent.

**Hon. Ms. Hošek:** Oh, sorry, the determination of rent. What we are doing with the question of the rents that need to be determined is that we are working through a backlog, which the member knows very well exists and which all of us in the House know. One of the things we have been doing and the reason the system is so expensive is that we have increased the number of people working on this and we have increased our computer sophistication in working through the backlog.

I believe we have turned the corner, because the results are beginning to come in and we are getting a much quicker turnaround and much quicker answers. I am not happy about the amount of time this takes. I think that is a significant issue and I am not happy about it. I know the uncertainty for tenants is a genuine problem for them, as is the uncertainty in planning for the people who own some of those buildings.

I believe we have put significant resources forward to work through this. I believe we are going in the right direction and I want to see quicker answers and more resolution for more people as soon as possible.

**Mr. Breaugh:** How does the minister explain to Robert Bernstein and the 473 other families in that one building—this is Mr. Bernstein's personal file of information that he has received from the rent review system. He has accumulated all this paper. They have waited three years for a decision. The minister is spending more than 200 per cent more now than she spent when the program was initiated.

How does she explain to them that the problems of interpreting financial loss provisions that are in the bill generate a situation where all that comes out of this system is piles of paper and

no answers to simple questions like how much the legal rent should have been three years ago?

**Hon. Ms. Hošek:** The most important thing in this legislation is to make sure that the tenants are protected from unjustified rent increases. Many members were in the House when this legislation was passed and they know that it came forward as a result of work being done by the tenant community, by the landlord community. I will make no claim that the law is perfect, but it is working. It is giving people answers.

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Interjections.

**Mr. Speaker:** Order.

**Hon. Ms. Hošek:** I also want to say that for the tenants in those buildings, part of what the member is pointing to in the pile of paper is one of the things that the law was meant to do: that is, to make sure that there was significant consultation so that tenants would be able to see the information that their landlords brought forward; so that they would be free to put their own information into the process; so that when decisions were made they would have the full information that tenants want to contribute to that process, as well as the information that landlords gave.

#### AMBULANCE SERVICES

**Mr. Jackson:** My question is for the Minister of Health. Less than two weeks ago, a nursing home resident was brought into the emergency department of Joseph Brant Memorial Hospital in Burlington, suffering from severe trauma. The woman is frail, elderly, and she is also a diabetic.

After being treated, the patient was left at the hospital for over two days because a transfer back to her nursing home could not be facilitated. In fact, apparently an argument arose between the dispatchers of the two neighbouring operators of the ambulance service, one of which, as the minister will be aware, has been in a strike position for the last 130 days. It was only after an angry doctor called the ministry to explain how the beds were being tied up inappropriately at Joseph Brant hospital that a transfer was finally arranged.

Is the minister aware of this case, and does she continue to maintain that the level of ambulance services for Halton-Peel is still adequate?

**Hon. Mrs. Caplan:** I think it is important for us to state once again in this House that ambulances provide two types of services for communities: One is emergency services and the



other is hospital transfers and nonemergency types of services.

We know that for emergency services the strike has not placed the public at risk. I have been assured of that. For nonemergency services, we know that there have been some delays. I want to assure the member of my concern, but also of the fact that the public is not at risk in emergency situations.

**Mr. Jackson:** The minister has been misinformed because there are greater risks associated with living in Halton and Peel currently. We have documented those cases. We have tabled them here in the Legislature for the minister to examine. She cannot take a whole community which has four ambulances under normal circumstances and reduce that to one and say that that is an adequate level.

There are more than 600,000 people relying on this service. We are moving into Christmas, a busier time of the year. The fire services, which are a backup, are being taxed to their limit. The minister is walking a tightrope, as are the patients and the health care deliverers in Halton region, as a result of this strike.

When will the minister bring her office to bear in terms of helping to find a resolution to this problem so that the strike can end and that Halton and Peel can be relieved of this inappropriate level of risk which they have been subjected to during the strike?

**Hon. Mrs. Caplan:** As the member knows well, this is a labour dispute between the employer and the employees. When we talk about level of service being provided, since the beginning of the strike there have been some 4,642 ambulance calls responded to in the Halton-Mississauga area. I want to assure the member that the situation is being monitored to ensure that there is no risk to the public, that a contingency plan is in effect and that vehicles from surrounding areas are available to assist.

#### USE OF LOT LEVIES

**Mr. Callahan:** I have a question for the Treasurer. He made a statement in the House yesterday about passing legislation to authorize municipalities and school boards to impose levies. That statement and the reports in the press today indicate that that will be effective as of January 1, but legislation itself will not be introduced until March or perhaps finally passed until a bit later.

I would like to find out whether this will apply to homes already built as of January 1 or if in fact the legislation will contain some form of target

date to avoid the possibility of speculation taking place before January 1 and increasing the cost of homes.

**Hon. R. F. Nixon:** The news report that the honourable member refers to is in error. There was nothing in my statement, no intention to impose any new approach to lot levies as of January 1 coming up. The only indication was that while this matter is being considered, we expected the municipalities not to adjust upward any lot levies they presently have.

**Mr. Callahan:** Back in 1969, I believe, the former Conservative government introduced a program called OHAP, Ontario housing action program, providing assistance for growing communities such as mine. At the time that they introduced it, it is my recollection that there were no conditions attached to how the funds were spent. As a result of that, much of the growth in my area has occurred. I would like to find out whether or not there will be conditions attached to the spending of these levies by the municipalities for specific purposes, to cover the growth.

**Hon. R. F. Nixon:** Any lot levies that municipalities might impose in the future, according to the requirements of the policy statement or at least the green paper statement, would have to be directly affecting hard services for the development of the community or the school system.

I think it should be understood that we are quite anxious to give as much flexibility to municipalities and school boards as we possibly can to assist them in financing for the expanding requirements in rapidly growing communities, and that we feel that this particular program, if adopted either in part or in whole, will do just that. It will, however, mean that there will be more uniformity required among the municipalities. In this regard, it is going to meet the best utilization requirements of the province.

#### TABLING OF INFORMATION

**Mr. Harris:** On a point of order, Mr. Speaker: I rise, not nearly as eloquently as my colleague did earlier today on a point, but on a different point of order. Pursuant to standing order 88(d), "The minister shall answer such written questions within 14 days unless he indicates that he requires more time because the answer will be costly or time-consuming or that he declines to answer, in which case a notation shall be made," etc.

I have raised this on numerous occasions in previous sessions and not too much in this session, so I read part of it to refresh everybody's

memory. Mr. Speaker, in view of the fact the House will adjourn on December 15—

**Mr. Pope:** Maybe, maybe.

**Mr. Harris:** “Maybe” my colleague for Cochrane South says—and not resume until January 3, I am wondering if you could raise with the government the fact that the following questions still remain unanswered in Orders and Notices: question 71, Mr. McLean, promised February 29, 1988; question 72, Mr. McLean, promised February 29, 1988—the questions are not quite two years old; question 78, Mr. Brandt, promised April 15, 1988.

Mr. Speaker, perhaps with your prodding, the government might show some more respect for the standing orders by which this House operates and could at least afford us an opportunity to see the answers to these questions.

**Hon. Mr. Conway:** On behalf of my colleagues in the government, I might say that I appreciate the honourable House leader’s point, his concern. I think that any objective analysis of the record would indicate that this government has been exemplary in the way in which it has dealt with the order paper questions.

Interjections.

**Mr. Villeneuve:** Exemplary in what way?

**Mr. Speaker:** Order.

**Hon. Mr. Conway:** I want to say, Mr. Speaker, through you to the member for Stormont, Dundas and Glengarry (Mr. Villeneuve) and his colleagues, that, particularly in this festive spirit of Christmas, I will redouble the government’s efforts to accommodate the concerns identified by the House leader for the third party. I can assure him that those questions, 71, 72 and 78, standing in the names of the member for Simcoe East (Mr. McLean) and the member for Sarnia (Mr. Brandt) will be very carefully examined. I give a commitment to see what we can do to expedite an early return.

**Mr. Speaker:** I appreciate the point of order and the response. It has certainly taken a load off my shoulders.

1510

## PETITIONS

### SCHOOL BUSES

**Mr. Laughren:** I have a petition from students at George Vanier Public School in Lively and their teacher, Mrs. Olafson, who have developed a very keen interest in the political process. It reads as follows:

“To the Honourable the Lieutenant Governor and the Legislative Assembly:

“We, the undersigned, beg leave to petition the parliament of Ontario as follows:

“We care about the safety of students on our school buses. We urge the government to implement legislation making it mandatory that all school buses be equipped with seatbelts, to ensure that all necessary precautions are taken regarding the safety of the students.”

I agree with that petition and I have attached my signature to it as well.

### SCHOOL OPENING EXERCISES

**Mr. McGuigan:** I have a petition addressed to the Minister of Education (Mr. Ward). It has 323 attached letters and 1,850 signatures from Kent county ratepayers.

It is asking that the minister appeal a decision of the Ontario Court of Appeal regarding prayers in school. I would like to table it.

### NATUROPATHY

**Mr. Beer:** I have several petitions. The first reads:

“To the Lieutenant Governor and the Legislative Assembly of Ontario:

“We, the undersigned, beg leave to petition the parliament of Ontario as follows:

“Whereas it is my constitutional right to have available and to choose the health care system of my preference;

“And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

“We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment.”

It is signed by several hundred persons.

### TEACHERS’ SUPERANNUATION FUND

**Mr. Beer:** The second set of petitions states:

“To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

“We, the undersigned, beg leave to petition the parliament of Ontario as follows:

“To amend the Teachers’ Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

“This proposed amendment would make the five-year criteria applicable to all retired teachers



and would eliminate the present inequitable treatment."

That petition is signed by several hundred people.

#### APARTMENT BUILDING INCINERATORS

**Mrs. Grier:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, reading as follows:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the residents of Gamble Avenue in the borough of East York are being exposed to noxious and potentially hazardous emissions from the incineration of garbage at 85 and 95 Gamble Avenue,

"We request that the provincial government intervene on behalf of all residents to have this offensive and hazardous practice stopped immediately."

It is signed by 265 residents, and I have signed it also.

#### HOME CARE

**Mr. Jackson:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It reads:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the Red Cross Society has incurred a deficit because the government of Ontario has failed to fulfil its promise to adequately fund home care services and therefore the Red Cross may be forced to withdraw their home care services, we petition the Treasurer of Ontario to adequately fund the Red Cross services so that 170,000 citizens of Ontario are not forced to seek more expensive care in an institutional setting."

That is signed by over 400 constituents from my riding of Burlington South. It has my support and my signature also.

#### PROVINCIAL PARKS

**Mr. Pope:** I have a petition addressed to His Honour the Lieutenant Governor and to the members of the Legislative Assembly of Ontario:

"The Gowganda, Elk Lake, Matachewan, Shining Tree Tourist Association is opposed to the new parks policy because:

"1. Our association would be put out of business;

"2. Several others will lose a good percentage of their business because fishing and hunting areas have been eliminated from use by their guests;

"3. Multiple use has worked in this area in the past and we see no reason why it should not continue to do so;

"4. We cannot understand the reasoning of keeping such a huge area, Lady Evelyn-Swoothwater Park, exclusively for a small minority group.

"5. We, the users of the resources, should have a greater say in how they are used.

"We therefore request that the cabinet roll back the provincial parks policy to before May 17, 1988, and not proceed with any changes to the parks policy until consultation has taken place with all user groups."

This petition is signed by 697 concerned members of the GEMS Tourist Association, and I have affixed my own signature to it.

#### PUBLIC SECTOR PENSION PLANS

**Mr. Pope:** Second, another petition signed by 63 employees of the government of Ontario.

"To His Honour the Lieutenant Governor and to the members of the Legislative Assembly of Ontario:

"I am a government employee and I am furious with the government of Ontario because of its treatment of me and my co-workers where pensions are concerned.

"We have never had the right to negotiate our pensions. We have never had any say as to how our pension contributions are handled and now, the Ontario government is threatening to take an additional two per cent out of our take-home pay for pension contributions, again without our having any say in the matter.

"That is incredibly unfair. Our union wants to negotiate an improved arrangement on pensions. The government should be prepared to bargain with us in good faith. After all, it is our money. We would like to ensure influence is used to ensure that we are fairly treated."

I affix my own signature to this petition as well.

#### SAFETY IN CHAMBER

**Mr. Wildman:** On a point of privilege, Mr. Speaker: I drew this matter to your attention earlier—actually, a couple of years ago—and I do not think anything has really been done about it since. You will notice that in the last couple of days, on at least two occasions, perhaps three, camera equipment has fallen. Luckily, it has landed in the gallery, but I am very concerned that some time that equipment might fall down here and hit either a member or, more likely, one of the pages when the pages are standing right

there. If possible, I really wish you would look at how we might secure it—I am not suggesting we should remove it—a little better so that we do not risk one of our pages or one of the members being hurt.

**Hon. Mr. Conway:** I quite agree with the member. Without any suggestion being made that we remove it in any way, the member's point about securing it is entirely a good one.

**Mr. Speaker:** I thank the members for their comments on this matter. I was very much aware of the last two instances and I have checked it out.

## REPORT BY COMMITTEE

### SELECT COMMITTEE ON EDUCATION

Ms. Poole from the select committee on education presented the following report and moved the adoption of its recommendations.

**Mr. Speaker:** Would the member have a brief statement to make concerning the report?

**An hon. member:** A short statement.

**Ms. Poole:** Yes, Mr. Speaker, I have both a brief statement and a short statement.

As many members are aware, the select committee on education held seven weeks of public hearings this past summer and fall. We are very grateful to the 202 groups and individuals who took the time to present to our committee. Our committee is pleased to release the report today, whereby we reviewed the goals and philosophy of education as they relate to the full development and equal life chances of the student. As well, we studied and commented on several key facets of the organization of education: namely Ontario Schools, Intermediate and Senior Divisions, streaming, semestering and grade promotion.

Pursuant to standing order 32(d), the committee requests that the government table a comprehensive response to the committee's report.

**Mr. R. F. Johnston:** I sort of want to get in on this.

**Mr. Speaker:** That will be allowed at a later time.

On motion by Ms. Poole, the debate was adjourned.

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## ORDERS OF THE DAY

**Hon. Mr. Conway:** The first order of business today is the 39th order. Just in calling that order, I was going to indicate to the House that, by agreement among the House leaders, it

has been agreed that should the second reading debate on this conclude this afternoon, a vote would be taken at 5:45, or at least the bells would ring for that vote at not later than 5:45. I just wanted to make the House aware that, assuming we conclude second reading debate this afternoon, the bells will ring at 5:45 p.m. for the second reading vote—if a vote is taken as we expect.

## INCOME TAX AMENDMENT ACT

### LOI MODIFIANT LA LOI DE L'IMPÔT SUR LE REVENU

Hon. Mr. Grandmaître moved second reading of Bill 193, An Act to amend the Income Tax Act.

**Mr. Speaker:** The minister moves second reading of Bill 193. Does the minister have any comments?

**Hon. Mr. Grandmaître:** This bill, an Act to amend the Income Tax Act, implements amendments arising out of the budget of April 20, 1988, as well as some administrative and technical amendments. The budget increased the personal income tax rate in Ontario to 51 per cent for 1988 and 52 per cent for 1989 and subsequent years. The individual surcharge introduced in 1986 has been increased for 1988 and subsequent years, from three per cent of Ontario tax payable in excess of \$5,000 to 10 per cent of Ontario income tax payable in excess of \$10,000.

Le budget a sanctionné une augmentation du taux d'imposition des particuliers, qui est passé de 51 pour cent en 1988 à 52 pour cent pour l'année 1989 et les années suivantes. La surtaxe des particuliers, instaurée en 1986, a été majorée pour l'année d'imposition 1988 et les années suivantes, passant de trois pour cent de l'impôt sur le revenu exigible en Ontario en sus de 5000 \$ à dix pour cent de l'impôt sur le revenu exigible en Ontario en sus de 10 000 \$.

Ontario's tax reduction provision for low-income earners was seriously eroded by federal tax reforms since it was based on an individual taxable income which increases with the conversion of personal deductions to nonrefundable tax credits. In response, the budget announced that the Ontario tax reduction will now be based on tax payable.

For 1988, individuals with basic Ontario income tax of \$150 or less will pay no Ontario income tax. Individuals with basic Ontario income tax of between \$150 and \$225 will have their Ontario income tax reduced by an amount equal to \$450 minus twice Ontario income tax.



New Ontario tax credits were also announced in the 1988 budget. The maximum occupancy cost for the purposes of the property tax credit is increased from \$230 to \$250, plus 10 per cent unoccupancy cost. The sales tax credit has been changed from one per cent of personal exemptions to \$100 per adult and \$50 per child. The maximum credit for property and sales tax credits has also been increased to \$1,000 from \$500, and the income offset is changed to two per cent of combined net income in excess of \$4,000.

Le budget de 1988 annonçait également l'introduction d'un nouveau crédit d'impôt de l'Ontario. Le coût d'habitation maximal aux fins du crédit d'impôt foncier passe de 230 \$ à 250 \$ plus dix pour cent du coût d'habitation.

Le crédit pour la taxe de vente, qui correspondait auparavant à un pour cent des exemptions personnelles, passe à 100 \$ par adulte et à 50 \$ par enfant.

Le crédit d'impôt foncier maximal et le crédit maximal pour la taxe de vente, qui s'élevaient à 500 \$, ont également été portés à 1000 \$. La compensation du revenu correspond maintenant à deux pour cent du revenu net global en sus de 4000 \$.

This bill also implements the tax credit for the Ontario home ownership savings plan which was enacted earlier in this session and amends the act to allow certain contributions in the year of the marriage, where the spouse owns or previously owned a home. This plan is designed to assist lower- and middle-income individuals and families who are saving for the purchase of a first home, by providing a credit of up to \$500 per individual or \$1,000 per couple in the taxation year. Administrative and technical amendments are also being made to bring the income tax in line with the Income Tax Act (Canada), in accordance with the tax collection agreement with the federal government.

**Ms. Bryden:** Every year we expect an amendment to the Income Tax Act in Ontario. Because our income tax is collected by the federal government, it is often necessary to harmonize our Income Tax Act with the federal changes which come through every year. However, this year we are looking at a somewhat different situation. We are being asked by this bill not only to accept some fairly minor changes which come from changes in the federal Income Tax Act, but to accept the harmonization of our tax system with Wilson's so-called tax reform.

The question before this House is: Are we prepared to accept Wilson's so-called tax reform, or are we ready to consider our own kind of tax

reform and our own kind of income tax amendments?

What I am suggesting is that we do not have to continue to accept the federal income tax form. Sometimes in the past we have rejected amendments that the federal tax officials put forward, because they provided additional concessions to the corporations and to the higher-income groups. We also accept federal tax changes in cases where they would benefit our taxpayers. So, this year, we have to look at whether the changes that we are being asked to adopt are the kind that we want to add to our tax system. If we vote against them, we will then have to consider whether the House may also want to vote against them and consider installing our own income tax act. That is a very important dilemma.

Quebec has its own income tax act. It therefore has more control over its taxation system, and it is able to work towards its own version of a fair tax system. We are prevented from doing that by this arrangement. That is why we have taken a close look at the changes in the Wilson tax reform package.

The tax changes of Wilson's first stage tax amendment started in July 1988. They benefited all taxpayers to some extent, but benefited the well-off far more, and they did not remove taxation completely from all those below the poverty line. That is a fundamental principle that should be adopted for taxation in this province, because anybody below the poverty line is not able to enjoy the opportunities to have adequate food, housing, clothing and a decent income. They should not be paying tax at that level.

### 1530

The second stage of Mr. Wilson's tax reform has yet to come. That is another reason that adopting and harmonizing our system with his first stage is really getting us into a very serious situation. We know from the announcements by Mr. Wilson that the second stage of tax reform, when he drops the other shoe as people say, will include proposals for a national sales tax or a national transaction tax, as it is sometimes called. That will extend taxation at almost every level of economic activity in this country.

It will add a great many services and a great many items that are not covered by present sales taxes to the national transaction tax. It will hit the low-income and middle-income groups much harder than the upper-middle-income groups because they have less disposable income after they have bought their food, clothing and shelter. It will hit the people who buy and build houses because it will cover every stage of the house



building and buying process. It will hit people in institutions, hospitals and universities. Any public body will have to pay tax on every transaction that goes on in connection with its activities.

It is a very sweeping kind of tax reform that we are being asked to lock ourselves into. I think this House should oppose this bill at this stage and set up a committee to look at the merits of adopting our own Income Tax Act, to cover both persons and corporations, so that we do have control of our own tax destiny and we can work towards a fairer system.

A study of the first stage of the Wilson tax reform by Allan Maslove, an economist at Carleton University, for the Institute for Research on Public Policy, came to the conclusion that the majority of Canadian families would have an average of \$340 less in disposable income after the Wilson tax reform of 1987. They would have that much less than they would have had four years ago when Mr. Mulroney and Mr. Wilson took office. The only groups that would have a net gain from the 1987 Wilson tax reform are families below \$13,000—and they should not be paying any tax at all—or families above \$117,000. The high-income group would get an average increase in disposable income from that tax reform of \$3,750, but those with lower and middle incomes would get much less. That is the situation that affects our judgement on this bill.

The other thing we have to think about is that in the past we have not been making progress towards putting emphasis on progressive taxes and switching emphasis from commodity taxes. We have not been putting any emphasis on switching the percentage of tax paid by personal taxpayers and corporate income taxpayers. For instance, for every dollar that people paid in the early 1950s, corporations paid about the same. But by 1966 people were paying \$2 in income tax for every \$1 paid by corporations. Today it is nearly \$3 for every \$1 paid by corporations.

The fact is that in the recent budget of the Treasurer (Mr. R. F. Nixon) there were no increases for the corporations. There is no minimum tax so that literally thousands of corporations in this province are not paying any corporation tax. That is something we could rectify if we had our own personal income tax. We would not have to wait for the federal government to put in a minimum corporation tax, as they have done in the United States, ahead of us. Therefore, another need for having our own income tax is to change the emphasis that is to be

placed on personal, corporation and commodity taxes.

This province is certainly going in the opposite direction. By accepting and recommending to this House that we should adopt the Wilson tax reform, they are in effect recommending that we adopt stage two, which is this national sales tax. I am really shocked at the way the Treasurer seems to be looking with glee on this new tax cow and presumably considering very seriously joining in it as an additional source of revenue. He has already taken \$1.5 billion in additional revenue out of us in other taxes this year, particularly almost \$1 billion with the retail sales tax, but it appears he is also looking forward to joining in the national transaction tax, which will change the entire fairness of our tax system. It will make almost a complete right turn in the distribution of the taxes paid by each group of people.

That is a reason why our party has decided to oppose this bill. However, there are some other changes in the bill that we should look at if the House does not decide to go along with rejecting the whole bill.

One of the three major changes in the bill, besides the harmonization that I mentioned, is an increase in the Ontario personal income tax rate from 50 per cent basic federal tax payable to 51 per cent for 1988 and 52 per cent for 1989 and subsequent years. Usually, our party supports increases in income tax if it means less commodity and gasoline taxes and things of that sort, but we would prefer that such an increase be more progressive and make our tax system bear heavier on the higher incomes and less on the lower incomes.

The income surtax which is included in this bill, equal to 10 per cent of Ontario income tax payable in excess of \$10,000, and the repeal of the existing surcharge of three per cent of Ontario income tax payable in excess of \$5,000, is a progressive change, but we are not sure whether very many people are going to be affected by the surtax. It is some improvement over the old surtax, but not nearly progressive enough to increase the progressivity of our income tax.

In fact, we think this was put in partly to get back from Ontario taxpayers a piece of the tax cut that Mr. Wilson gave so generously just before the election. It went into effect in July 1988. If the people who got that tax cut ever saw it in their pay envelopes, they hardly saw it before it was snatched up by the Treasurer in his budget.

The bill also includes provision for the payment of the tax credit provided under the Ontario home ownership savings plan. When the



bill setting up this plan was before the House, we said that very few people would ever benefit from this plan because the income ceilings at which it cut off were so low that practically nobody in Metropolitan Toronto would be able to benefit from it.

1540

The price of houses keeps rising, and every time it rises, another 50,000 people are cut out of the possibility of getting any grant or any tax credit under the Ontario home ownership savings plan. In spite of that, there may be a few people in the province, in places where house prices are lower, who would qualify, but the fact is, if there are only a few qualifying, it is a very costly program because the government has had to set up a bureaucracy to administer this program across the province. It has had to advertise the program and it has to maintain this bureaucracy for at least five years because that is the duration of the tax credits that can be received from this.

I think it was estimated that it would cost about \$500,000 to set up and maintain this bureaucracy. It seems to me there are better ways to give tax relief to home owners or to people wanting to become home owners, because most of them, by present housing policies, have been priced out of the market, particularly in the southern Ontario area.

Of course, the latest proposal by the Treasurer to allow lot levies to be charged by builders is a further attack on the cost of housing for those who are trying to purchase a house. We all know that those lot levies will be passed on to the prospective home owners and therefore he has really pushed the OHOSP scheme further into the limbo that it was almost in from the very beginning.

It is another useless election promise that the Liberals felt they had to implement. They felt they had to implement it even more when the Minister of Housing (Ms. Hošek) made an announcement prior to the budget that it was coming in, which is not considered a proper way of releasing budget details. Those changes are good as far as they go. We would have liked them to have made the tax system even more progressive.

The minister will tell us, of course, that he is providing improved tax credits under the budget and under this act. There are both sales tax credits and tax credits on property tax. However, if you look at the fine print, you find that seniors get no increase in their sales tax. Families get \$100, or \$50 more if they have a child, in sales tax rebate. But the definition and the method of calculating

the property tax have been carefully changed and the net result is that there will be a cutoff for receiving any property tax credit at a lower level than before.

As a result, many people who used to qualify will not qualify, and the people who may qualify will get a little bit more but not a substantially large amount. For instance, the first property tax credit that came in benefited people at such a low rate that it has been estimated it would cost \$400 million to bring that tax credit up to the inflation rate. The original property tax credit has been eroded so badly by inflation that this minor change is not going to bring the people who have lost considerably under that previous credit back even to the position they should be in if we had had an index on it, and the government has resisted putting any sort of an index on any of these tax credits.

In the budget, the government tells us there will be \$84 million going into the tax credits, but they do not tell us how much is for the sales tax and how much is for the property tax credit. All of that is not going to compensate people for the big increase in the retail sales tax of 14 per cent. It is one percentage point on the tax, but that is over a 14 per cent increase.

It will not compensate people for the increase of one cent a litre on gasoline, also a regressive tax and a new one this year. In fact, there is no credit for sales tax expenditures.

We know that the gasoline tax hits very unequally. It hits people in the north much harder than it hits people in the south because we do not have as great distances or as high costs of gasoline. It also hits people whose occupation requires a whole lot of driving.

If the government is going to talk about tax credits for excessive, regressive taxation, the minister has to go a lot further than he has gone so far.

The NDP made a proposal before the budget review committee of what it thought a fairer tax system should be. That included an increase in the corporation tax, a return to the succession duties tax, which the Progressive Conservative government took off because it said the capital gains tax was compensating people for their wealth and they were losing a certain amount under that.

We should also have a real estate speculation tax and that would contribute to a fairer tax system.

We should have a minimum corporation tax and we should have a general moving away from sales taxes and commodity taxes and a moving



towards a fair corporation tax and a fair income tax.

In other years when the federal government has given concessions to corporations or to individuals in their tax and we have harmonized with them, we have seldom changed those tax concessions, so for years we have been going along with tax concessions and many of them are in the form of tax expenditures, which are credits or reductions that individual taxpayers gain by the way they treat their income and investments. Those are never revealed unless a special study is done of the benefits from tax concessions. That is another loophole in the whole fairness of our tax system. Until we know what is available in the way of tax expenditures, we do not really know how much various corporations are paying.

I am urging this House to reject this bill as not being true tax reform and to bring in a new bill that will include the very minor improvements which are in this bill and get on with real tax reform, which we have not seen in this House for the last 20 or 30 years, including the last three years of a different government.

1550

**The Deputy Speaker:** Questions and comments on the member's statement?

**Mr. Pouliot:** Spontaneously, if I may, for the short time that is allotted, I will step by step, meticulously prepare and call it like it is.

I see the minister under the guise of Robin Hood. He is on this side now. He has reappeared. No one in this House can stand up and say that the tax system comes close to being fair. What we have are systematic loopholes that are planted by the government. What we have is the acquiescence by the Treasurer not to make the rich pay, or pay their share, but quite the opposite: to make the rest of us pay.

It is regressive indeed, not a progressive tax system. It is filled with inequity, giving blessing to a system of injustice. We have a shift well prepared, well crafted. When I look at the Minister of Revenue (Mr. Grandmaître), I cannot help but think I am watching an expert working his craft, but he is not fooling anyone. Again, we have the deliberate shift from what should be a progressive tax system to a consumer tax—hidden, both hands in your pocket, less money left in the economy, sapping the confidence.

This is what our critic has said, and she has gone further by suggesting to the House that we adopt the kind of tax system that is fair. What we are seeing here again is the perfect example of the middle class, the people who are paying the

major portion of the taxes, under siege. Well, they have had enough.

I want to congratulate our critic for words of wisdom. It is unfortunate that the audience does not warrant her fine comments this afternoon.

**The Deputy Speaker:** Other questions and comments? Would the member wish to respond? No. Does any other member want to participate in the debate?

**Mr. Pope:** I can understand why the member would not want to respond to the comments.

I am pleased to participate in this debate on behalf of the members of our caucus. This is a series of tax measures introduced by this provincial government, including amendments to the Gasoline Tax Act, the Retail Sales Tax Act and now amendments to the Income Tax Act that have as their *raison d'être* a budget announcement by the Treasurer last spring that was the largest tax grab in the history of this province.

It was never fully justified either in a budget statement or in subsequent statements. When the estimates of the various ministries came down to support this kind of expenditure, we found that rather than put more into basic services for the people, rather than support our institutions and public services that all of us have a right to expect, those needs were not going to be met, even though we had the biggest tax grab in history at a time in which hundreds of millions of dollars in extra revenue was coming in anyway because of increased economic activity. On top of this was the tax increase.

In these good economic times, which this government inherited and has managed to fritter away, as we now see a downturn coming, as we see these good economic times drawing to a conclusion, it is clear that this government is wandering. Its focus is not clear. It is not attending to the basics. It is not honouring its commitments. It is not living up to its promises.

Yet they want us, the members of the Legislative Assembly, given that performance over the last nine months, to support legislation that will take money out of the pockets of people who need it, somewhat because of the actions of this government, to pay the increased tuition fees for their children that the government announced today—7.5 per cent for universities and 5.6 per cent for college students—to pay for the increases that are coming in the cost of living for the people of the province of Ontario created by the policy decisions that this government has made in its own unique blend of initiatives and incentives.

Quite frankly, having listened to the arguments, I am not persuaded that we should be



supporting this legislation or any other tax legislation that this government may introduce. Just to make it very clear, what the Minister of Revenue is asking the people of this province to accept and support is a surtax for 1988 and subsequent years equal to 10 per cent of Ontario income tax payable on excess of \$10,000 and repealing the existing surcharge of three per cent of income tax payable on excess of \$5,000. There is an amendment to subsection 3(5) to implement the budget proposal of the Treasurer levying personal income tax at the rate of 51 per cent of basic federal tax for 1988 and 52 per cent of basic federal tax for subsequent years.

We not only have an increase to 51 per cent and then 52 per cent of basic federal tax, but we also have a surtax on top of it of 10 per cent of Ontario income tax payable on excess of \$10,000. What it all adds up to is more money out of taxpayers' pockets. We are not convinced that this government's priorities are in the right place. We are not convinced that they have even thought through these priorities. The needs of people in their everyday lives are not being addressed.

We are falling further behind in terms of provincial government support as a percentage of total board of education expenditures. We are falling further behind in our community college system. In northern Ontario it will mean a reduction of student positions; it will mean a reduction of the kinds of courses and the number of courses offered to young people and to those who want to be retrained; it will mean a reduction of teaching positions, and it will mean a foldback or rollback of basic services that we need, not only in northern Ontario but in many other parts of the province.

We have seen, as I have talked about before—and I will not roll out the numbers again—how basics are being ignored. They are not being given the priority they deserve, but at the same time the costs of administration are going right through the roof. For instance, when I talked about the Ministry of Labour ministry administrative expenses the other day, the former Minister of Labour said, "That's because we instituted a policy department." I presume that means that the Minister of Labour has no idea what his policies are going to be. We do not see the kind of ministerial responsibility of thinking that should be done by the ministers. We do not see the kind of accountability in administrative expenses out of these ministers that we have a right to expect.

We have seen uncontrolled increases, mainly in the administrative side of things. I could have used the example of the Ministry of the Solicitor General: dramatic increases in ministry administrative expenses at the same time that Ontario Provincial Police detachments are being reduced in every single part of rural Ontario. The basics are being ignored, are being turned back, and ministry administration is going right through the roof. No one has a handle on it over there, and the government wants more money? It wants us to agree to tax increases so it can take this money and use it in that fashion? Of course we are not going to agree to it.

No one—the Chairman of Management Board (Mr. Elston), the Treasurer or the Minister of Revenue—has stood up yet and given us an explanation for these staggering increases of 60 per cent, 300 per cent and 400 per cent in administrative budgets at the same time as the basics are being cut back. We have been waiting for that kind of explanation for 10 months now, and it is not forthcoming and, I suspect, will not be forthcoming at all from this government.

The Minister of Revenue knows full well that there have been consultations between this government and the federal government with respect to the federal tax proposals, not only to come but in the first phase, that there have been full consultations on an administrative level. There have been some agreements, otherwise this would not have been put in place. There have been agreements, otherwise the tax-sharing system that we have that binds Ontario and the federal government would not have continued on.

#### 1600

Had Ontario wanted to go it alone, it had that option. It chose not to. It chose to implement the federal tax proposals. So it is all very well for Liberal ministers in the Ontario government to stand up and whisper that they really did not like it or they did not want to go along with it. They have had full consultation over many months and years with respect to these proposed changes. They have known they were coming. They had their options available to them. They chose to proceed in tandem with the federal government, so they should not try to duck it when the members of the opposition New Democratic Party put their concerns with respect to federal tax reform on the table. Never mind ducking it by saying it is a federal government proposal. This government was a part of it. It was part of the negotiations. It was part of the implementation. It should stop ducking its responsibilities under



the federal-provincial tax system in this country by trying to blame someone else when it was totally involved from the beginning.

The other problem I have with this Act to amend the Income Tax Act, Bill 193, is with respect to section 7. We are talking about the Ontario Home Ownership Savings Plan Act, 1988, announced in the Treasurer's budget.

I understand both the history and, perhaps from time to time, the need for the government to step in and address the issue of affordable housing. I just wish the government would do it. We have seen in the housing policy field a failure of virtually every single government program in terms of providing affordable housing.

We have seen Renterprise announced to great fanfare, then collapse in mismanagement and abuse of public funds. We have seen the convert-to-rent program suffer from similar misuse, being piggybacked on Renterprise grants and being, quite frankly, mismanaged and maladministered by this government. We have seen that.

We have seen the rent review program, which has become no more than a bureaucratic nightmare in which tenants are denied their rights under law and in which landlords are totally frustrated, along with tenants, with the paperwork, the legalese in the definitions and the failure of government to react to their needs for clarification. We have seen homelessness in virtually every major city of this province now at a crisis proportion.

If anything, we are further from affordable housing for the average Ontarian today than we have been in decades, in spite of all of the promises.

I remember the tens and tens of thousands of affordable housing units that were promised in the last campaign by the Premier in a great big ad that said, "What we promised, what we did and what we promise for the future." I remember the 100,000-plus affordable housing units that were going to be provided, and we know that they are not there. We know the targets will never be met. We know there will be substantial delays. We have seen the failure of the promises of this government in this and so many other areas. Auto insurance and affordable housing are two of the most recent ones.

It is not a record that any Liberal administration should be proud of, and now we see, with the presentation of a green paper yesterday, this government contemplating a policy decision that will have a direct impact on affordable housing in this province through a proposal for lot levies,

because this government does not want to meet the historic and traditional responsibilities of provincial governments to provide for basic services to people living in new urban centres and new urban communities.

Because this provincial government does not want to honour these traditional and historic obligations to these new home owners to provide for schools, to provide for other services that they have a right to expect in this great province, because of that, we are now going to have a lot levy system that will virtually take away every advantage with respect to the Ontario Home Ownership Savings Plan Act. Every advantage is going to be lost by another decision of the Treasurer of Ontario.

So the government is going to tax new home owners, young families in this province, more, particularly double-income families, who are trying to set aside money to buy new houses. It is going to tax them more with its surtax, it is going to tax them more with its Ontario tax rates and it is not going to give them a real saving under the Ontario home ownership savings plan, because it is really taking it away already with respect to the levies it is now contemplating.

We have seen a dismal failure in housing. It is now the number one crisis in Metropolitan Toronto. It has not been addressed. We have had verbal sparring from the Minister of Housing in the legislative chambers, but we have not had concrete answers. We have not seen a timetable for the construction of those units. We have seen delay, without excuse. And we see young people who now live in this great city, who want to raise a family in their own home, who now are despairing of ever seeing the day when they can afford it, because their salaries are not going up as quickly as the price of housing in this municipality and in many others across the province. They are falling further behind.

**Mr. Laughren:** I see a call for a speculation tax coming.

**Mr. Pope:** I do not think you have to look any further than the government of Ontario with respect to speculation. By the mismanagement of housing programs such as Renterprise and convert-to-rent, they have allowed speculation to take place prior to the approval of these programs on a site-by-site basis. They have done nothing to police that; they have done nothing to negotiate the land value component of any of these programs and the total project costs when they are submitted for approval. It has been a complete bureaucratic foulup.



Even in the affordable housing sector, the net effect is that the mortgage payments and rent payments that people have to meet are higher because this government has not managed its own programs correctly, let alone what the private sector is doing. I think there is an obligation on the part of this government to be more effective and efficient managers of the public purse.

There are many other aspects of government expenditure that we are obviously not happy with. We do not feel these tax increases are needed or warranted. We do not think the government has earned the support of the opposition parties in the Legislature with respect to this.

I am reminded of the reaction of the Minister of the Environment (Mr. Bradley), when faced with the argument that increases to the gasoline tax in this province would have an impact on the motoring public, that this was an environmental bill, the presumption in his mind being that somehow, if we increased the gasoline tax, people would drive less. With the greatest respect, that is a mentality and an attitude based on someone who lives in an urban centre of this province, not someone who lives in eastern Ontario or northern Ontario or even southwestern Ontario, where people need to drive tremendous distances for basics, for needed commodities, for services, and are faced with these costs.

I am reminded of the answer of the Ministry of Revenue and government ministers in this Legislature when we talked about the retail sales tax. They indicated again that there was a deflationary argument to be made for it. Well, the basics of human living in Ontario are pretty important to the people who are faced with these costs on a day-to-day basis. The people see this government wasting their money, I think, on staggering increases in ministry administration, on staggering increases in the operation of their own ministry offices in government, with no response for months on end by this government, no response by the Chairman of Management Board, no action plan to get these matters under control. They see the government, instead of addressing the problem head-on, trying to bring in some reductions in administrative expenses, trying to get the employment of aides to ministers and their salaries under some sort of control, nothing more than what amounts to a coverup by refusing to give information to the members of this Legislative Assembly or anyone else in Ontario as to what these people in the ministers'

offices and in the upper echelons of the ministries are being paid.

In spite of the pledge to be an open government, more accessible, in spite of the promise of the Freedom of Information and Protection of Privacy Act, the opposition members have been reduced to making applications under the freedom of information act to get information that was always provided in estimates books and to the critics of the parties, but now is no longer provided because this government has not got the guts to stand up and say, "Yes, we have got a problem with out-of-control administrative expenses, with out-of-control staff hiring in ministers' offices, with out-of-control salary increases, and instead of addressing it, we are going to hide it from you."

**1610**

Those days have to be gone. If the government wants co-operation in terms of tax policy, if it wants co-operation in terms of budgetary policy, let's come clean with the problems. We have seen over the last two days, minister after minister stand up and try to sugarcoat the transfer payment announcements to the various institutions of this province.

We all know that the promises and approvals that were given by the line ministries already to many institutions across this province are now not being honoured by the Treasurer, the Minister of Revenue and the Chairman of the Management Board of Cabinet.

The government approved a number of programs in various hospitals of this province. It approved an expansion of the availability of courses in the community college system. It implemented or promised to implement new apprenticeship and skill training programs. What do we have now? We have in the announcement of the transfer payments an effective cutback, a denial of its own promise and an allocation to these very important public institutions of less than the government knows they need to maintain the existing services.

The government can talk about an 8.1 per cent increase in transfers to the hospitals of this province, but when it rolls in the programs approved in the last year and a half but unfunded, what does the percentage become? The government has participated and has known about their wage settlements. How does that roll into the provision of medical care through our hospitals in this province?

There are no answers from the Minister of Health (Mrs. Caplan), no answers from the Treasurer, no answers from the Chairman of



Management Board. Maybe the Minister of Revenue can be the first one in months to stand up in this legislative chamber and tell us exactly what the hospitals are getting for their base budget increases. So far, we have not had that answer from the Minister of Health or anyone else.

We saw today, just as an example, the true story from the Ministry of Colleges and Universities. There was a 5.6 per cent increase announced yesterday by the Treasurer with respect to our community college system, but we see today when the details come out—and the Minister of Colleges and Universities (Mrs. McLeod) is the only one who did it—that the base is increasing by four per cent. That is the increase in the base for the transfer payment calculation for our community colleges.

The community college presidents told this cabinet months ago: "If you want us to maintain the basics of what we now have, here are our books. If you want us to maintain the basics that we now offer, the number of positions we now allocate, we need seven per cent." Was there any dealing with them? Was there any negotiation of some other sum with them? No. There was an arbitrary, unilateral decision taken by this cabinet to increase their base by four per cent. End of picture.

Look at the municipalities—something that the Minister of Revenue is aware of—flat-lining unconditional grants, flat-lining municipal allocations with respect to roads. The effect of that is dramatic with respect to the day-to-day operations of the municipalities. What the government is going to force them to do is offer services that some of them may not offer now. It is going to have conditional allocations and it has set its priorities that it is going to force municipalities to adopt.

The government had a very different attitude when it comes to Sunday shopping and putting that over on the municipalities. When it comes to day-to-day responsibility for the operation of municipal budgets and the municipal services across this province, it is going to dictate, in an area where it has not done to this degree before, what kind of new programs and additional programs it will financially support.

I think there has been a failure of the consultation process that is regrettable. I had not seen it for the previous two years. We are starting to see it now. Yes, it is the provincial government; yes, it has the right to set its economic priorities; yes, it has the right to bring in the implementation legislation, including these tax

increases. But I do not think winning the last provincial election has given the government any right to dictate how municipal governments will carry on or to dictate how many public institutions in this province will be allowed to operate. There has been a traditional and historic responsibility to allow these institutions to continue.

I can see many areas of the province now where these standard services are not going to be available to the people. They are going to have to go elsewhere to get them. I think that is regrettable. I think it is a failure of this government. Nowhere is it more apparent than in eastern Ontario. I say to the Minister of Revenue, and we will probably argue about this later, nowhere is the failure of this government to acknowledge its commitments more apparent than at the Carleton Board of Education. Nowhere is it more clear than with the broken promises with respect to the Queensway. Nowhere is it more apparent than at the Ontario Centre for Microelectronics in Ottawa. Nowhere is it clearer than in the failure of the government to act with respect to the national space agency, where the government was slow off the mark and did not do anything to ensure that it would go to eastern Ontario.

In my own part of Ontario, I could go on at great length about the failure of this government in meeting the basic needs of the people of northern Ontario. There was the great promise of the northern Ontario heritage fund. As the member for Lake Nipigon (Mr. Pouliot) has said in this House in question period, some two years later not a single dollar has been spent. That was to be the hope of all northerners. That was to be the beacon of regional development. That was to be the new method of collective decision-making in northern Ontario that would lead to new opportunities for industrial development and diversification, new opportunities for employment and skills training.

It was based on the \$35 million lost to northern Ontario through the 11 per cent countervail on stumpage. Instead, the Treasurer has kept that money. It is not in northern Ontario. It has not been set aside as an accumulating fund to be used by northerners. It is going to be lost. For the second year in a row, \$35 million needed for resource development programs and economic development programs in northern Ontario is going to be lost.

Rather than adopting a process of expeditiously organizing the northern development councils, rather than opting for a program of delivering a clear mandate and clear help and direction to



these citizens of northern Ontario who want to help the region themselves, we have wandered for a year and a half in studies, memos, organizational charts and every single bureaucratic excuse that could be found for not funding the heritage fund and not getting those funds out into the northern Ontario communities to help people who need it the most.

Rather than giving some advice and direction to the members of the development councils with respect to those areas and industries in northern Ontario that could benefit from a reduction in tariffs for goods exported to the United States, and looking to those areas for new economic development and expansion, this government has sat back. As the Premier (Mr. Peterson) himself articulated in Sault Ste. Marie and Thunder Bay: "We don't have any answers at all for you. Come up with your own solutions."

The tariff on zinc alloys is 19 per cent. Zinc alloys being exported to the United States market out of Ontario have a 19 per cent tariff. Under the free trade agreement, that tariff will be reduced and eliminated. That opens up a tremendous opportunity for melding plants, for fabrication, molding and stamping plants in the mineral development areas of this province; a tremendous opportunity for Kidd Creek in Timmins and for other zinc producers across this province, an opportunity that should turn this government on to the pressing need right now for decisions and financial support to get these additional industries in place, to get the training programs in place so that these additional industries can employ northerners and to develop them in our northern Ontario communities so that we can diversify into manufacturing and fabricating in a way we have never done before.

That is just one example. The elimination of the tariffs on zinc alloys alone opens a tremendous opportunity for northern Ontario that this government has not even recognized, let alone put in place development programs to take advantage of. It is a singular failure among many of this government to address the critical economic issues. But boy, as I said the other day, they can sure take care of themselves in the administering of administrative expenses down here at Queen's Park in Toronto, while all the basics are not being met in other regions of the province of Ontario. Even here in the city of Toronto with the housing crisis, the basics are not being met.

**1620**

For all of these reasons my colleagues in the Conservative caucus have looked at these tax

bills. We have seen the desire of the government to wrench \$1.2 billion out of our pockets as taxpayers and the pockets of working men and women across this province, money that they could use to help supply their families and themselves with the basics and necessities of life. We have seen this government that has already benefited from increased economic activity to the tune of over \$800 million, and now it wants the additional \$1.2 billion. But we have not seen the track record of this government in using these revenues responsibly.

For all of these reasons I would urge the members of the Liberal caucus who are not part of cabinet—and I know that they are listening to this—to vote against this legislation, to send a clear signal that we expect better administration and better management out of our provincial government. We expect them to keep their promises, to honour their commitments and to continue to provide the necessities and basics of life to the people of the province of Ontario.

As the member for Lanark-Renfrew (Mr. Wiseman) has said on a number of occasions, "If you cannot take care of the basics, we don't think you have the right to govern this province."

**Mr. Laughren:** I rise in opposition to this bill. I must say that it would not be unusual for New Democrats to stand in their places and support an increase in the income tax.

**Mr. Pouliot:** Never.

**Mr. Laughren:** Well, it would not be unusual for some of us as New Democrats to rise in our places and support an increase in income tax if that increase in income tax were part of a progressive package of tax reform. So it is not thoughtlessly that we stand in our places and oppose this particular Income Tax Amendment Act.

**Hon. Mr. Conway:** It never is.

**Mr. Laughren:** It never is when it comes to taxation.

But I want to remind the members just what this bill is about to do. This bill was, I am sure, drafted by Michael Wilson and approved by the Treasurer, and then the two of them put it in a package and put it on the doorstep of the Minister of Revenue while it was still ticking. The Minister of Revenue, as always, had absolutely no choice whatsoever in accepting this bill.

I do not like to refer to the minister as a beast of burden, but I want to say that all that the Minister of Revenue does when it comes to tax bills is simply do the bidding of the Treasurer, and if that is not a very pleasant bidding, that is too bad.

That is what the minister has to do. He has to carry the weight of bad bills in this House and with his constituents. I suppose that does not technically make him a beast of burden, but it certainly makes him carry a heavy load for the Treasurer, who simply stands in his place and says, "There is going to be an increase in the income tax, and if you want to talk about it, go see the Minister of Revenue."

**Mr. D. S. Cooke:** This year he would not even read the budget.

**Mr. Laughren:** That is right. This bill is the most blatant example I have ever seen of this government's toadying to the federal government and its tax policies. How a Liberal government that pretends to be reform-minded can so obviously attach itself to the federal government's regressive tax reform program is beyond my comprehension.

I heard an interjection when my colleague the member for Beaches-Woodbine (Ms. Bryden), in her excellent address, commented that the government members were saying they had no choice with this bill. What a ridiculous interjection that was. I am glad to see that the member for Don Mills (Mr. Velshi) agrees with me and is nodding his head. It is too bad that "Pound" Sterling was not in the chamber, because he would agree with me as well. So not all Liberals are united on this bill. I can tell members that right now.

It is really remarkable how this government has aligned itself with the federal Tories. This is not a Liberal bill. You could never even pretend it was. I ask members to listen to what this bill does: "It implements the budget proposal to increase the Ontario tax reduction. With this amendment, individuals with Ontario income tax otherwise payable of \$150 or less will pay no income tax for the 1988 taxation year. Individuals with Ontario income tax otherwise payable between \$150 and \$225 will have a tax reduction equal to \$450 less twice the Ontario income tax otherwise payable for 1988." I am sure everyone understands that clearly.

I can see the member for Scarborough-Ellesmere (Mr. Faubert) nodding his head vigorously, indicating that he understands it. He is parliamentary assistant to the Minister of Revenue, of course. That is why he is not in the proper seat.

"This bill will increase the maximum property and sales tax credits allowed from \$500 to \$1,000 and increase the maximum occupancy cost for the property tax credit from \$230 plus 10 per cent

of occupancy cost to \$250 plus 10 per cent of occupancy cost.

"It will implement a new sales tax credit of \$100 for adults and \$50 for children to replace the credit of one per cent of personal exemptions."

If I had a dictionary here, I am sure that everything I have just read could be described under one word: tinkering. That is all this is doing. Those parts of the bill are just tinkering. The parts of the bill that actually give the taxpayer a break simply tinker with the system. But the ones that stick it to the taxpayer, do not just tinker; they really stick it to the taxpayer. There is quite a difference in approach in this bill in the way in which different taxpayers are treated.

**Hon. Mr. Conway:** One wonders what a socialist minister of finance would sound like.

**Mr. Laughren:** A socialist Minister of Revenue, which is perhaps more appropriate as we discuss this bill, might increase the income tax from time to time, as I started out by saying, but it would be part of a tax reform proposal that would be fair to ordinary and working Canadians and Ontario citizens.

**Hon. Mr. Conway:** Beyond that rhetoric, what kind of fiscal transubstantiation would there be?

**Mr. Laughren:** That is not rhetoric. The government House leader considers that when you make a commitment to working people in the province, you are speaking rhetorically. I can understand why a Liberal would believe that, because we have heard Liberal ministers all across this province talk about their commitment to people in Ontario. As soon as they get their majority, it is gone. They forget it.

**Hon. Mr. Conway:** I know at least as many working people as you do. I know working people from Quebec.

**Mr. Laughren:** We are talking about Ontario citizens now. I want the government House leader to leave the Orange Lodge out of this. It is not fair to the Minister of Revenue.

I really do believe this bill treats people totally differently depending on whether or not it is going to raise money for the government or cost the government a little bit of money. For example, it increases the surcharge from three per cent of Ontario income tax payable in excess of \$5,000, to 10 per cent of Ontario income tax payable in excess of \$10,000.

It sounds a bit like gobbledegook, but as I read the numbers, I think that means that people who earn in excess of roughly \$85,000 are going to



pay an increased surtax. I think that is roughly what that number means. The government has decided there is a little bit of money to get there.

1630

More important, when we look at what it does to families on different levels of income, that is where we really see the true nature of this Liberal government. I do not know who the Sheriff of Nottingham is, whether it is the Minister of Revenue or the Treasurer, but one of them is; one of them has to be. It does not fit any description I have ever read of Robin Hood, but I think somebody has to stand in this chamber. I am glad Maid Marion did the best she could to talk, and a fine, superb job she did in standing up against the Sheriff of Nottingham.

Under tax reform in Liberal Ontario, and we are talking now about this coming year, a family of four earning \$40,000 a year will pay more than it did previously and a family of four earning \$90,000 will pay less. The government can forget about all the nonsense that this is going to remove certain taxpayers from the tax rolls; it is going to increase certain tax credits. When you get right down to it, any tax reform that increases the taxes on people at the \$40,000 annual income level and decreases the taxes paid by someone at \$90,000 a year surely cannot be described as progressive tax reform.

I can see the Speaker has joined a growing list of people who are nodding their heads at my comments.

At the same time this is happening, there are 30,000 Ontario corporations that pay absolutely no tax whatsoever; absolutely none. The estimate, from people who know a lot more than I do about numbers, is that comes to about \$4 billion a year in lost tax revenues to the province.

There are a lot of things this government could do to improve the tax system in this province and this bill does none of them. It is disturbing when you see what the government has done since it obtained its majority. They have increased the taxes on purchases, on consumer taxes.

That does seem to be the way to go with this government, although when I was reading some of the Treasurer's old speeches—believe me, if members think I am not committed to my job, they can just imagine reading the Treasurer's old speeches and they would change their mind in that regard—the Treasurer used to be against taxes on consumption. Suddenly he is for taxes on consumption. That is why he raised the sales tax last spring to the tune of almost \$1 billion a year in revenues to the government.

What is bothering me is the trend. We seem to be going increasingly in that direction. I was checking some figures with other countries. In Canada—I am talking about all of Canada now, not just Ontario—35 per cent of Canadian tax revenues come from taxes on goods and services; over a third. In the United States, it is half that; about 17 per cent of US tax revenues are from sales taxes on goods and services.

**Mr. Smith:** Ten times as many people in that big country.

**Mr. Laughren:** We are talking about percentages, that 35 per cent of all revenues in Canada are from taxes on goods and services and that in the United States it is 17 per cent. Not to compare just Canada and the US, in the Organization for Economic Co-operation and Development countries, it is 29 per cent on goods and services. So here we have Canada with 35 per cent of all our revenues from regressive sales taxes; in the OECD countries it is 29 per cent, and in the US it is 17 per cent.

My colleague the member for Beaches-Woodbine talked in her remarks about the shift between corporate sector taxes and income taxes and how in the 1950s, I think she said, the amounts paid by the two groups were virtually even, that in terms of all revenues collected in Ontario, about half came from the corporate sector and half came from individuals and families. Now, in the 1980s, the ratio is three to one for individuals' personal taxes over corporate taxes.

It is not because the corporate sector is doing badly. I can remember how the Tories, when we used to debate corporate taxes in here, used to say: "Do not complain about individuals paying more and corporations paying less. That just means the corporations are not very profitable." That was their twisted logic. You cannot say that now.

**Mr. Wiseman:** Now, now, Floyd. Don't you wish you had the facts?

**Mr. Laughren:** Mr. Speaker, I will withdraw the word "twisted" and change it for "perverse." That was the perverse logic of the Tories.

But you cannot argue that any more because the private sector has been very profitable in the last few years and is again this year. Now, I would not want the member for Lanark-Renfrew to pay too many taxes because I know he is barely at the survival level now. Nevertheless, I do want him to pay his fair share.

**Mr. McCague:** What about the member for Nickel Belt?

**Mr. Wiseman:** Same as the member for Lanark-Renfrew.

**Mr. Laughren:** Yes, to the member for Nickel Belt. If members here had been sitting with me when I had my interview with the conflict-of-interest commissioner and we were perusing my assets, so to speak, there would be none of these cheap shots about my relative wealth in this chamber.

What is most troublesome about this Income Tax Amendment Act is the way this government has jumped into bed so quickly with the federal Tories on tax reform. It is very, very bad. Why they would want to be associated with the federal Tories on tax reform is beyond my comprehension.

Three quarters of households with income in excess of \$100,000 will have tax savings of over \$4,000. So if you earn over \$100,000, under the federal income tax proposals you are going to end up saving yourself over \$4,000 a year in taxes. If, on the other hand, you earn less than \$15,000, and there are lots of people in this country who earn less than \$15,000, you save \$90. Of all the people who needed a break, it surely was the people earning \$15,000 a year and less. They save \$90. If you earn over \$100,000, you save over \$4,000.

How is that justice? How does this government feel about attaching itself to that kind of tax reform at the federal level? That is what it is doing. It is jumping into bed to consummate the relationship. That is exactly what it is doing with tax reform.

To be very specific, a family with two earners and two children, if their income is \$30,000 a year, will save \$263, on average. I want to make sure the minister understands this because I know he will want to respond to it in his concluding remarks. A family with two incomes and two kids, earning \$30,000 a year, under this proposed sales tax reform will save \$263 in federal income taxes paid. The federal Minister of Finance says that is why it is a good thing and everybody should support it.

But since the federal Tories came to power in 1984, that same family has had tax increases of almost \$1,000. So here we have a situation where, under tax reform, we can quite honestly say that as we speak here today, that family of \$30,000 a year is going to save \$263 in taxes; they will pay \$263 less next year in taxes. But—this is why half-truths are so successful in politics, I suppose—they do not tell you that since the Tories came to power in Ottawa in 1984, that

family has paid almost \$1,000 more in taxes to the federal government.

That is what my friends opposite are attaching themselves to. That is what they are embracing, because the purpose of this bill—Some of the members look a little sceptical; let me tell them what it says.

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Under the "Explanatory Notes" of this bill, it says, "The Bill implements the proposals contained in the Treasurer's budget of April 20, 1988"—that is true—"relating to personal income tax and tax credits,"—this is the part that should convince them if nothing else does—"and amends the Income Tax Act (the 'Ontario act') consequential upon the enactment of amendments to the Income Tax Act (Canada) (the 'Federal act')."

Let's not pretend the government is not embracing the federal tax reform with this bill; of course it is. When the government raises the level of provincial income tax from 50 per cent to 51 per cent this year, and then from 51 per cent to 52 per cent of the federal tax payable next year, it is saying, "Whatever you feds do, we're going to be part of it."

Most of us know the federal government has reduced the number of tax brackets down to three and whatever that tax bracket is, Ontario has traditionally taken 50 per cent of it. Now, it is going to be 51 per cent and next year 52 per cent.

If the federal government were to bring in changes to the federal tax reform so that it was even more regressive than it is now, this government would be taking half of it; I am sorry—51 per cent and then 52 per cent next year. This government is saying to the federal government: "No matter what you do, go right ahead. We want part of the action." That is what it is saying.

The government is doing the same thing with the national sales tax. The Treasurer will not stand in his place and reject the federal sales tax. He will not do it and that is the very reason he increased the sales tax from seven per cent to eight per cent in his budget. He is at a higher percentage now. When the national sales tax comes in, he gets a bigger portion of it, because that is what he negotiates from, his base year in Ontario.

That was sneaky politics on the part of the Treasurer; truly sneaky politics. It was not as though the economy of Ontario could not survive. It was not as though that one per cent of sales tax was crucial this year; it was not. The economy has been very strong in Ontario.



However, he decided he wanted that one per cent to bring in an extra billion, but more importantly, so that when it came time to negotiate with the feds when they bring in their national sales tax program, he would be dealing from the higher base. That is exactly what he did and that is why he did it.

This I see as step two: The government agrees with the national sales tax, so now it moves ahead and does it with the income tax as well. It is getting very difficult to tell a provincial Liberal from a federal Tory. It is a long time now; the government has been called "Tories in red ties" for a couple of years now. It seems as though once that accord with the New Democrats ended, the government lost its way.

I will not quote the Toronto Star editorial in this particular speech, but this government really has lost its way. When I talked about people on low and average incomes paying too many taxes, it really was perverse what the Treasurer did. In this day and age, as a family you can earn \$10,000 under the poverty level as set by Statistics Canada, and as an individual you can earn \$4,000 under the poverty level, and still pay provincial income taxes. That is the kind of tax system we have in this province. I do not think most people understand, or they would not be as happy as they seem to be with this Liberal government.

I hear the minister say: "Well, you can't do everything, you know. There's a big lineup of services demanded out there, and we know we would like to spend more on education, health, roads and so forth."

Let me tell the minister what that would cost. Our proposal to eliminate provincial income tax for anybody below the poverty level would cost \$100 million a year. I think I am correct in that figure—the critic for Revenue nods her head and that means I am correct. It would cost \$100 million a year to remove people below the poverty level from Ontario's provincial income tax rolls. That is what it would cost.

**Mr. Smith:** Where would we get the money from, Floyd?

**Mr. Laughren:** "Where would the money come from?" asks the member for Lambton. Am I ever happy the member asked me that question, even though he is out of order. Well, let me tell him. There is at this point a \$100,000 capital gains exemption from paying taxes. I think the member for Lambton probably more than anyone else in this House knows that. There is a \$100,000 exemption.

If the province moved in and filled the vacuum on those capital gains, if the federal government will not do it—you cannot expect Tories to do anything about capital gains; you really cannot. They do not care. Their friends are making the capital gains.

This province could tax capital gains. There is absolutely nothing unconstitutional about this province taking up a portion of capital gains. I ask the member for Lambton, through you, of course, Mr. Speaker, how much money would be there if the province took up capital gains. The answer is \$200 million a year. Does he know how much would be there if we decided to impose a minimum corporate tax in Ontario? I think it is \$300 million a year; once again, the member for Beaches-Woodbine will correct me if I am wrong.

All I am asking is, why could we not have taken \$100 million out of that \$500 million—\$200 million because of the capital gains exemption and \$300 million from the minimum corporate tax—and removed everybody in Ontario who is below the poverty level from Ontario provincial income tax rolls?

Is there anything radical about that? Is there anything unduly expensive about that? It seems to me that as a province, it would increase our level of civility considerably if we said to those people: "You do not have to pay provincial income tax." Yet we do not do it.

I say to the member for Lambton that he should not always just swallow, without thinking, everything the ministers hand him about how they cannot spend money and how they do not have money for this or that program. There is money for programs if they want to get it from the right sources. I have just used two examples, the capital gains exemption and the minimum corporate tax.

It is still true in this province we live in that if you have an income of \$20,000 a year and it is all from dividends, you would pay no taxes; absolutely none. If you have an income of \$20,000 a year and it is from your labour, you pay about \$3,400 in federal and provincial taxes combined. I think that is correct.

We have in this province a government that I am not sure supports the work ethic. I know I and my colleagues do. Here we have a case that the government still allows to occur in this province, where somebody who simply sits and clips his or her coupons to the tune of \$20,000 a year pays no federal or provincial income taxes, but someone who goes out and works hard every day for the

same amount of money pays \$3,400 a year in taxes.

That is some kind of just tax system in this province. It has nothing to do with liberalism, I hope, and it certainly has nothing to do with any kind of progressive tax reform.

I must say it is a sad day when you see a government that calls itself Liberal raving on about not having any money, without even being honest enough to say that the money is there but it has decided not to tap that source. That is exactly what they are saying. It is with a certain amount of pride that I stand in my place with my colleague the member for Beaches-Woodbine, who is our Revenue critic, and the former Revenue critic the member for Hamilton Mountain (Mr. Charlton), who is also opposed to this bill, because we do believe that it is not in the best interest of people in Ontario.

We also believe that it attaches this government to the federal government's federal tax reform proposals in a way that we think is unseemly and, if I might say so, it is dishonest, because this government will not stand in its place and say, "We support the federal tax reform and we are doing everything we can to go along with it." It is like the free trade agreement. They did the same thing on free trade—pretended to be opposed, all the while embracing it in the back rooms of Ottawa and Toronto.

It is for those reasons that we are opposed to this amendment to the Income Tax Act.

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**Mr. Pollock:** There are a few things, but one in particular, that I would like to put on the record. I received a letter here and the date on this particular letter is December 1, 1988. It comes from the Ministry of Revenue and in it is a form. It is for the Ontario tax rebate and I received it because I operate a farm. I looked over the form and I noticed that the thing was—

**Mr. Pope:** It's for 1986-87.

**Mr. Pollock:** Yes—the same as the forms I had received in previous years, yet I realized too that this particular government had just put an additional four per cent tax on leaded fuel in May; so I wondered why there was not a form actually recognizing that fact.

**Mr. Pope:** They are stiffing the farmers again, are they?

**Mr. Pollock:** Yes. If I got this particular form, I imagine there are a whole lot more out there who got the same kind of form. I question quite strongly why this form is being circulated. It is totally out of date and it is leading a lot of people

astray. I wanted to put that on the record. The form should be updated so that it recognizes the budget that came down in May.

**Hon. Mr. Grandmaître:** In answer to my honourable friend the member for Hastings-Peterborough, I want to remind him that this government has recognized for at least three and a half years that we have to respect our farmers and provide them with all these good programs, and we will continue to provide them with good programs.

I will be looking at the old forms and I am sure that we can amend them to please the honourable member, but I want to remind him that we will continue to provide class 1 or A-1 programs throughout the province, especially to farmers, because all of us who are not farmers realize what great work they do in this province.

**The Deputy Speaker:** Are there any more questions and comments on the member's statement? If not, would the member wish to respond?

**Mr. Pollock:** Yes. I would just like to point out to the Minister of Revenue that this program has been in place for years and years; it is not something new. It is just that he added an extra tax on leaded fuel and his forms do not recognize that fact. He should at least have his forms up to date.

**Mr. Smith:** You also get back 100 per cent on your property tax, too. Don't forget that.

**Mr. Pollock:** Just on the land and the barn, not on the house.

**Mr. Smith:** That is a pretty good deal.

**Mr. Pollock:** Oh, it is not as good a deal for some people as the old 60 per cent rebate; but anyway, back to the subject.

**Mr. Smith:** It depends on how old you are. If you are 65, it hurts.

**Mr. Pollock:** I just wanted to point out to the minister that this is leading a lot of people astray and these particular forms are a little complicated to fill out. When the forms are not even right, it is just going to make more of a problem. I just wanted to put that on the record.

**The Deputy Speaker:** Do other members wish to participate in the debate. If not, Monsieur le Ministre, vous voulez répondre? Vous voulez finir?

**Mr. Pollock:** Four per cent on a litre.

**Mr. Pope:** They are trying to beat the farmers out of four cents a litre.

**Hon. Mr. Grandmaître:** I am going to wrap up.



**The Deputy Speaker:** Would you like to wrap up, Mr. Minister?

**Hon. Mr. Grandmaitre:** I could.

**Mr. D. S. Cooke:** Throw it in. Let the Treasurer do it. It is his making.

**Mr. Laughren:** Get Michael Wilson to do it.

**Hon. Mr. Grandmaitre:** No, this government works as a team. I will at least try to answer most of the members' questions.

First of all, I would like to thank the honourable members who participated in this debate: the member for Beaches-Woodbine, the member for Nickel Belt (Mr. Laughren), the member for Hastings-Peterborough (Mr. Pollock) and my good friend the member for Cochrane South (Mr. Pope).

I want to remind the House that most members in the opposition have confused the issues of national sales tax and tax reform. I want to remind them, in the presence of the Treasurer, that this Treasurer has not approved the national sales tax program. Discussions are ongoing and I am sure that whenever the Treasurer is ripe and ready, he will stand in this House and tell us all about the good or bad news. At the present time, we have respected phase 1 of tax reform. As far as the national sales tax is concerned, the Treasurer will carry on with his negotiations and come back to this House and announce the good news.

There is not a member in this House who likes paying income tax or any kind of tax. We recognize this, but our commitment of three and a half years ago when we were first elected was to provide Ontarians with first-class programs and services, and we realized that some tax increases were necessary. This is why, only a few days ago, we were talking about the increase in the retail sales tax.

My honourable friend the member for Cochrane South was talking about the tax grab of this government. I want to remind him that back in 1966 when the retail sales tax was three per cent and was increased to five per cent, that was a 60 per cent tax grab at the time. In 1975, they were not satisfied and increased it from five per cent to seven per cent, a 40 per cent tax grab. So I find it strange that they stand up today and talk about our tax grab.

Also, I would like to remind the honourable members that with the implementation of the first phase of tax reform, this government or this province lost \$510 million in revenue. Some compensation had to be made. This is why the income tax is being raised by one per cent in 1988 and an additional one per cent in 1989. With

those two increases, we are still faced with a \$238-million shortfall.

This government is not only on a tax-grab flight; we recognize that some people have to pay. I will tell members what we are doing for our low-income and middle-income earners in this province.

Interjections.

**Hon. Mr. Conway:** Have you ever heard a socialist volunteer to pay?

**Hon. Mr. Grandmaitre:** Never. The day I become a New Democrat, I will want the government to pay for everything.

Let me remind members what we are doing for our low- and middle-income earners. The new property and sales tax credit programs will deliver \$444 million in tax credit benefits to over 1.8 million low-income Ontarians. That is a fair property and sales tax burden. I am sure that even the member for Nickel Belt will agree with me that we are doing great things with our tax dollars in Ontario, delivering more services and more programs.

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Sales tax credits will be set at \$100 per adult and \$50 per child, more than doubling the total benefits for low-income households under this program. Under the new \$40-million Ontario tax reduction—and that is for the benefit of my friend the member for Cochrane South—350,000 low-income tax filers will pay no Ontario income tax. In 1989, another 30,000 individuals and families will no longer pay any Ontario health insurance plan premiums. Since 1986, 105,000 individuals and families have been exempted from paying OHIP premiums.

We are doing great things. I do not know how we can manage on so few dollars and provide all these great programs and services. I know that my friend the member for Cochrane South was a little upset with the three per cent tax on leaded gasoline, but it was really a deterrent to teach people to use or convert their automobiles to unleaded gasoline. It did work. It was 28 per cent, leaded gasoline users. That percentage was dropped to 16 per cent. So not only did the people learn about the seriousness of pollution, but I think they have responded gracefully and we appreciate their concern for the environment.

The member for Beaches-Woodbine was asking the government to opt out of the federal tax reform program. I want to remind her that is impossible. Under the federal-Ontario tax agreement, we are required—

**Mr. Laughren:** I do not believe you.

**Hon. Mr. Grandmaître:** Well, I am telling the member. The member for Nickel Belt may not believe me, but under the federal-Ontario tax agreement, we are required to do so. Most of the amendments to Bill 193 are really administrative moves or amendments which parallel federal government legislation, so we find these amendments to be—

**Hon. Mr. Conway:** They want to spend it, but they don't want to tax for it.

**Hon. Mr. Grandmaître:** Exactly. It is like people who want to go to heaven but they do not want to die, so it is very tough. If you want programs, you have to pay for them.

We do have a few minutes left. Maybe they will want to get back at me, but I want to remind the honourable members that I think we are doing well. Also, I just want to—

**Mr. D. S. Cooke:** With unanimous consent, we could keep the debate going.

**Hon. Mr. Conway:** Ben, you can wind it up any time.

**Hon. Mr. Grandmaître:** Yes, any time. I just want to remind the honourable members what we are doing with our dollars. I think it is very important. Where is it now. Interim supply? I will finish with—

**Mr. Laughren:** You'll never find it, Ben.

**Mr. Pope:** Just say you're generally wrong, Ben, and sit down.

**Hon. Mr. Grandmaître:** No, no, I am not wrong. There we go. The distribution of our spending in 1988-89: on health, 39 per cent; on education, 18 per cent—this is where all our dollars are going—housing, social services, 25 per cent.

I call this good administration and I want to say thank you to the treasurer; I think he has done a terrific job.

Vote stacked.

#### INTERIM SUPPLY

Hon. Mr. R. F. Nixon moved resolution 19:

That the Treasurer of Ontario be authorized to pay the salaries of the civil servants and other necessary payments pending the voting of supply for the period commencing January 1, 1989, and ending March 31, 1989, such payments to be charged to the proper appropriation following the voting of supply.

**Hon. R. F. Nixon:** I simply point out to the honourable members that it is estimated that in the period considered by the resolution, we

expect to spend about \$9.7 billion. If you divide it out by three months, 90 days, it comes to, I believe, about \$100 million a day. This, of course, is distributed over a wide variety of programs. I would be very glad to hear the honourable members give me their views on this initiative.

**Mr. Laughren:** This supply motion is to pay the wages of the civil servants and other ancillary matters in the province. This government has better civil servants than it deserves. As a matter of fact, I think they are carrying this government.

It has been over a year now since this government obtained its massive, and very impressive majority I must say.

**Hon. Mr. Conway:** And the people once again rejected the democratic socialist alternative.

**Mr. Laughren:** I suppose the government House leader could say the people of Ontario also rejected public auto insurance in 1987. I am glad the House leader raised this matter, because that was the kind of thing that gave them their majority. I did not want to dwell on how the government got its majority—there are more important things to debate here this afternoon—but I do recall very clearly that the public auto insurance was a central issue in that campaign. We tried very hard to say to the people of Ontario that we believed that with a public automobile insurance program in this province they would be better served as drivers in this province. They would have better rates and have fairer rates.

**Hon. Mr. Conway:** And you used Howard Pawley as your sterling example. Where is he now?

**The Deputy Speaker:** Order, please.

**Mr. Laughren:** I bet the drivers in Ontario would like to trade automobile insurance rates with the drivers in Manitoba today.

**Hon. Mr. Conway:** Give us Howard Pawley.

**Mr. Laughren:** That is the absolute truth. He can say if he likes that in 1987—

**Hon. Mr. Conway:** There is nothing like a dissident New Democrat.

**The Deputy Speaker:** Order, please. One member at a time and the member shall address his remarks through the Speaker as per the standing orders.

**Mr. Laughren:** Mr. Speaker, I do think the government House leader had a point when he said that in 1987 the people of Ontario rejected the New Democratic Party's proposal for govern-



ment auto insurance. I believe that to be a fair comment.

I would wonder, though, if we were to ask the people of Ontario this very day whether they wanted the Liberals' idea of auto insurance, which is two no-questions-asked raises already this year and a proposal for a 35 per cent to 40 per cent increase ahead—

**Hon. R. F. Nixon:** And you are responsible for asking the questions. Where were you?

**Mr. Laughren:** Mr. Speaker, if you asked the people of Ontario what they thought of the Premier's (Mr. Peterson) promise that he had a plan to lower insurance rates in the province, I am sure they would use very uncomplimentary and unparliamentary language.

I am not allowed in this chamber to say what I think of the Premier's promise, which I absolutely, firmly believe he knew he could not carry out, because he had no plan. He said: "I've got a plan. It's going to lower insurance rates in the province." If he had a plan, why have we never seen it and why are insurance rates going through the roof? If he did not have a plan, then he sure misled the people of Ontario. If he did have a plan, where is it?

The government is collectively speechless.

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**Hon. Mr. Conway:** Hardly. We're abiding by the rules of the House.

**Mr. Laughren:** The member just broke them.

It is obvious that the people of Ontario must decide in their own minds which is true, whether or not the Premier did have a plan a year or a year and a half ago when he said, "I have a plan that will lower insurance premiums in the province." Did he have a plan or did he not? If he did have a plan, where is it? If he did not have a plan, what was he doing? Was he misleading the people of Ontario?

**Hon. Mr. Wrye:** What about Howard Pawley's plans?

**Mr. Laughren:** Howard Pawley's plan would give us a lot lower premiums than we have in Ontario today.

**Hon. Mr. Wrye:** That is a different province.

**Mr. Laughren:** I see, a different province. Oh well, keep changing the ground rules as the debate goes on.

**The Deputy Speaker:** Order, please.

**Mr. Laughren:** The government can make all the apologies it wants for its friends in the insurance industry; the fact of the matter is we pay a lot higher insurance rates in Ontario than in

any of the three western provinces where they have a public automobile insurance plan. The government cannot deny that, there is no question about that, it is not even debatable. There is no debate at all that in Ontario we pay much higher insurance rates than in the three provinces that have a public auto insurance plan.

That is fine. I accept the fact that this government has a right to its ideology which states that the private sector shall run the insurance program in this province. The Premier is from London, Ontario, do not forget, the heartland of the insurance industry. I understand the lobbying of the Premier must be terribly intense. This government has a right to that ideology that the private sector must run the insurance industry, but then it should not tell the people that it has a better plan that is going to lower rates in Ontario when it has no such plan.

**Hon. Mr. Conway:** That is unfair.

**Mr. Laughren:** It is absolutely true. I am glad that when I sit down the government House leader will have an opportunity to engage in the debate.

**Hon. Mr. Conway:** You're going to force me into it.

**Mr. Laughren:** I am not the—

**Hon. Mr. Wrye:** What about the rates in the Maritimes, Floyd?

**The Deputy Speaker:** Order, please. One member at a time.

**Mr. Laughren:** I do not want to compare rates between two private sector provinces; I want to compare rates between a province like Ontario that—

**Hon. Mr. Wrye:** Oh.

**Mr. Laughren:** Those are different provinces. The Minister of Consumer and Commercial Relations (Mr. Wrye) just tried to use that argument on me on the west, then he tries to turn it around on the east. That is absolutely ridiculous. I think the former Minister of Labour is feeling out of sorts these days because he has nobody to stick it to any more since he left the Labour portfolio.

**Hon. Mr. Conway:** Not as much as labour is feeling out of sorts with the NDP over its failure in the election, speaking about friends.

**The Deputy Speaker:** Order, please.

**Mr. Laughren:** We will see who ends up being friends with whom before this administration is through with labour. Given the Minister of Labour (Mr. Sorbara) the member has in his

cabinet, I want to tell him that he is in for some rough time with the labour movement himself.

**Hon. Mr. Conway:** But what about Bob White?

**Hon. Mr. Wrye:** I've got Bob White's letter.

**The Deputy Speaker:** Order, please. One member at a time.

**Mr. Laughren:** Mr. Speaker, I am glad that I am eliciting a response from the government members. It is the first time some of them have said anything in here for a while. It is very good to hear them.

**Hon. Mr. Conway:** That's good. We try to help.

**Hon. Mr. Wrye:** Are you going to talk about Bob White's letter?

**The Deputy Speaker:** Order, please.

**Mr. Laughren:** Yes, I know. I must keep my eye on the clock.

**Hon. Mr. Conway:** Don't be so provocative.

**Mr. Laughren:** I am not trying to be provocative, but when I started my remarks the opening shot from across the way was about insurance rates in Ontario or some such thing. It provoked me.

In the last year there has been a sad series of events and policy decisions that must make the people in this province wonder what in the world they did on September 10, 1987. They really must wonder because I look at some of the very key issues that face us in this province, the very severe problems, and I do not see this government doing much about it.

For example, there are now over 20,000 homeless people in Ontario. The term "homeless" has become just a word, but if you think of what that word means, it means people without any place to live. That is a hard thing to accept in our minds, when we go home to an apartment, or a condominium, or a house or, in the case of certain members, a mansion. For someone to be homeless—it really is a terrifying thought that there are 20,000 people like that in Ontario. I understand that in Metropolitan Toronto alone there are about 10,000. The waiting list for people to live in government-assisted housing has gone up by at least 50 per cent since this government took power.

There is a backlog of rent review cases of over 20,000 in Ontario. Despite this, and despite these very serious housing problems, the Minister of Housing (Ms. Hošek), for two consecutive years, has underspent her housing budget. How

does one explain that? I do not know how one explains that.

Would one not think the Minister of Housing would be banging on the door of the Treasurer (Mr. R. F. Nixon) saying: "I need more money. There are 20,000 homeless people. The waiting list is outrageous for assisted housing. It has gone up 50 per cent"? Would one not think that the Minister of Housing would be out there just clamouring and banging on the door of the Treasurer? No; she did not even spend the money that had been allocated to her by this assembly, all three parties. What kind of nonsense is that? What kind of Minister of Housing? What kind of commitment?

As a matter of fact, we are not talking about underspending by \$1 million or so. Oh, no—this Minister of Housing thinks big. In 1986-87 she underspent by \$52 million and in 1987-88 by \$40 million. We are not talking a few units; we are talking a massive betrayal for people who have housing problems in this province. It was \$52 million the previous year and \$40 million in 1987-88. Those are very big dollars.

**Mr. D. R. Cooke:** You would give them money no matter what.

**Mr. Laughren:** I would assume that when there is a backlog out there for assisted housing, you build the bloody houses. I know the member for Kitchener (Mr. D. R. Cooke) might find that hard to comprehend, but if you have a housing shortage you build the bloody houses.

**Mr. D. R. Cooke:** You have got to have room for both.

**Mr. Laughren:** If you have problems in your own caucus with members opposing subsidized housing in your riding, you sort that out. You have 94 members now; sort it out among yourselves. That is the problem.

**Mr. D. R. Cooke:** Are you suggesting we should spend that money?

**The Deputy Speaker:** Order, please.

**Mr. Laughren:** Yes. I am suggesting that the Minister of Housing was allocated that money. She has an obligation to spend it on housing. That is what I am suggesting. When you have a 50 per cent increase in the backlog for assisted housing, and you have 20,000 people homeless in the province, I do believe she has an obligation to spend that money. Why does that sound so surprising to members of the government? Why would she not have an obligation to spend that money? It was passed in the estimates and the member knows that around this place when the estimates are passed that means this assembly has



given approval for that money to be spent. Yet the minister, two years in a row, has not spent it. That is some commitment to people with housing problems in this province.

I look at people who are simply trying to get into the housing market to buy their first, second or third house, whatever, and I look at the price of houses. In this community, it is truly perverse what has happened with housing. I have my own house and I suspect most members do, but imagine the despair one would feel if one was trying to buy a house in Metropolitan Toronto today. One could not save enough in a year to make up for the increase of perhaps a couple of months. One cannot do it.

**Mr. Miller:** Come to Jarvis.

1720

**Mr. Laughren:** That is fine. If the member for Norfolk (Mr. Miller) wants to provide the jobs to move elsewhere, perhaps he could tell us how he is going to do that. In the middle of all this, the Treasurer sits back and, despite all sorts of reasoning, will not bring in a speculation tax to take the heat out of the housing market. It worked a few years ago when a speculation tax was brought in and I have repeated these numbers a hundred times to the Treasurer—and he will not move in and do anything about speculation in homes.

I am not talking about an increase in the value of a house, a principal dwelling, when someone moves and has to sell their house; I understand that. What I do not understand is the way in which the Treasurer sits back, and this government sits back and allows somebody to flip houses. They could flip them once a week, once a month—never live them in. There are all sorts of tales out there about people not even taking legal ownership before it is flipped again.

**Mr. D. R. Cooke:** How does it work? Does it raise money?

**The Deputy Speaker:** Order, please.

**Mr. Laughren:** The purpose of a speculation tax would not be to raise money, I hasten to add; the purpose of a speculation tax is to prevent speculation. That is the purpose. This is a housing policy, not a tax revenue proposal. That is what I am saying. We are not just totally preoccupied as the member for Kitchener is with how much money a proposal raises. We are saying, we want to take the heat out of the housing market.

**Mr. D. R. Cooke:** I never hear you say where you would get the money from.

**The Deputy Speaker:** Order, please. One member at a time.

**Mr. Laughren:** The member for Kitchener obviously was not here to hear my remarks on the Income Tax Amendment Act, or he would know my proposals for raising money. I talked about them in our budget proposal. We have never yet in this party, that I can recall, responded to a provincial budget without laying out where we would get our money—substantial money—every single time. I think the member is being unfair to say that this party has not laid out where we would get the money from.

We know that there is no free lunch. We know the government cannot go out and demand increased services without paying for them. We understand that. And that is why every time we criticize or respond to the provincial budget, regardless of whether it is this party in power or the Tories in power, we have laid out our proposals for revenue.

**Mr. D. R. Cooke:** Well, how much money is—

**Mr. Laughren:** I am not going to repeat my budget speech but it was all there, and if the member from Kitchener does not choose to attend when budget debates are on, that is his problem.

My point is that the Treasurer will not do a thing about the speculation in land, particularly in Metro, and then as though that was not enough, he now wants to introduce a lot levy on the sale of new homes.

Talk about sticking it to people. He is sticking it to the people who want to buy a house and he is sticking it to the taxpayers who want to educate their children because he is allowing the school boards to assess a lot levy as well.

We know that the national sales tax the federal government is talking about and which this government seems to be in love with could add another \$10,000 to the price of a house. So, you are talking \$15,000, combining the \$10,000 from the federal people with \$5,000 for a lot levy. That is \$15,000 added on to the price of a house with one stroke of the pen; excuse me, two strokes of the pen, one federal and one provincial.

How many people out there can save \$15,000 a year just to pay for that with what this government is doing to them? That is some kind of government and it only took a year for the people of Ontario to see that.

Look at health care. The health care system in this province is under siege and I do not see this government doing anything to make it a preven-

tive community-based health care system. The health care on some of the Indian reserves is a disgrace. At some point, this government is going to have to deal with that—the health care for our first citizens on Indian reserves.

I was at a ceremony on Saturday to celebrate the 40th anniversary of the Universal Declaration of Human Rights by the United Nations. I said at that ceremony that what Canada needs to do is address itself to the problems of our first citizens. There was a token attempt to redress the evils done to our Japanese Canadians in the Second World War, and the next major attempt should be federal-provincial, to redress the problems with our first citizens.

I know there are members who care very much about that and who have visited native communities in northern Ontario and they know whereof I speak, and I am not exaggerating one iota. If this government wanted to do something very real, it would take an initiative to do that.

I believe there was an agreement on sharing of time, so I do not want to talk much longer. I did just want to conclude by saying that we are going to support this supply motion, because we think the province is well served by its civil servants. But I want to tell members that this government has performed very badly in the last year and that I think it is sinking in out there in Ontario that a lot of promises were made simply to get a majority government a year ago and that those promises have been broken, they really and truly have.

We have seen what has happened with educational costs and the lack of commitment by this government. We have seen what has happened with the environment; I could have wept in my place as I watched the Minister of the Environment (Mr. Bradley) sit there silently while other members of cabinet talked about the Temagami issue and the building of that road.

I think of problems with auto insurance, which I talked about, absolutely, clearly a broken promise. That is putting it generously, to say it was a broken promise, because I could use much stronger words than that to describe exactly what the Premier did on that issue.

**Mr. Harris:** Ah, go ahead and use them.

**Mr. Smith:** Go ahead, Floyd.

**Mr. Laughren:** No, I will not say that the Treasurer deliberately misled the people of Ontario, because the Speaker would throw me out on my ear. I will not say it, but I want to tell members that there is a litany of broken promises by this government and it looks as though it is going to continue for a while yet.

**The Deputy Speaker:** Questions and comments on the member's statement? The member for Nipissing.

**Mr. Harris:** Good speech.

**Hon. R. F. Nixon:** I would like to refer to something the honourable member raised when he indicated his concern about the state of health services on Indian reserves, because I think everybody is very sensitive to our responsibilities in this regard. It is much too simple to say that the federal contracts with the establishment of the reserves designates the primary responsibility, because obviously, through our medicare requirements, it is essential that the province does play a role.

I thought it would be appropriate for me to say that the Six Nations Indian Reserve and the residents there whom I have the honour to represent are, I believe, quite well served. The honourable member, if he wants to make some extensive review, might find that the services are not as uniform as they should be. Mind you, there is a very competent elected council in the Six Nations, and it has been successful in persuading the government of Canada over the years to provide a good deal of assistance by way of modern facilities.

From my own experience in the constituency, I cannot agree with the honourable member. On the other hand, my researches have not been as broad as his may have been. I just do not want to leave the impression in the House that somehow or another the provincial responsibilities are not being fulfilled. In the areas of inadequacy, I appreciate the honourable member's comments, because we have to be aware of where we are falling short.

**The Deputy Speaker:** Other questions and comments on the member's statement?

**Mr. Cureatz:** Are we carrying on now, Mr. Speaker.

**The Deputy Speaker:** Did the member wish to respond, please?

**Mr. Cureatz:** Wonderful. Swell.

**The Deputy Speaker:** Hold on, please. The member has the right to respond.

**Mr. Laughren:** I do not want to cut into the time, but I will just say to the Treasurer that if he were to visit the reserves up in the far north of Ontario his comments would be different.

**The Deputy Speaker:** Do other members wish to participate in the debate? The member for Durham East.

**Mr. Cureatz:** As we wind down this session and make our way back into the new year, I am



pleased to have the opportunity of touching on a couple of items of interest that affect my own constituency and I will ensure that they make their way into the appropriate discussion of interim supply, which we are speaking of today.

I had the opportunity, a couple days ago, to speak in opening statements about the GO rail system. Knowing how tight the Treasurer is with his money, I know only too well that if the present government had been in charge of the extension east of the present Pickering station, by no stretch of the imagination would it have done that. We were still in power then and my good friend and colleague the member for Simcoe West was Minister of Transportation and Communications. He decided to continue with the extension and actually reversed a policy that I will restrain some frustration about. That policy was the ALRT or advanced light rail transit system, I think it was called, from Oshawa-Whitby to Pickering, change trains, then on to the GO train.

1730

The member for Simcoe West indicated it should be one full system from Pickering to, hopefully, Oshawa eventually. I think that actually made much more sense. I see my friend and colleague the member for Oshawa (Mr. Breagh) here. He would confirm with me that for the number of years we have been representing the Durham region, the volume of traffic has become horrendous and the GO rail system extension, now out to Whitby, was none too soon.

I have now made my own little survey of what has taken place. As I said in my opening statement, and I commend to the Treasurer that he should review this with the Minister of Transportation (Mr. Fulton), as in all things with government, it ain't enough. The parking lots already at Whitby, Highway 401 and Brock Street to Highway 12 are full to capacity. They are located beside the Ontario Provincial Police station and the institution owned by the Ministry of Correctional Services. I have been tempted myself to park at the OPP station or the institution and walk over to the train station, fearing with trepidation, however, that I might be asked to remove my vehicle from thence.

Alas, there is no place to put the cars because the 1,200-odd spaces are already full. I find it most frustrating under the circumstances with the volume of traffic that everybody seems to be complaining about. If you tune in to the radio stations, everybody is talking about the traffic

around Toronto and the greater Toronto region, while the minister—

Interjection.

**Mr. Cureatz:** I do not know what is happening out in the west end. I will leave that problem for the other few Liberal backbenchers who represent that area. Surely, they must be encountering the same problem. As a matter of fact, I remember someone yelled out, "Let's get the GO train extended to Guelph," so there are some frustrations over there.

Over on the east side of Metropolitan Toronto, if we are going to try, as I said in my statement, to encourage people to get off the highways and park their cars at a station so that they can get on a pretty good commuter rail system, we are going to have to provide parking spaces.

I say it to the people at home because I can see how interested all the members here are in this great debate. The people at home listen to us politicians and get frustrated as the dickens, I am sure. But this is a nice, practical little problem. We can solve this one. We do not have to talk about percentages, increases, decreases, the gross national product and the inflation index. We do not have to mention any of that. All we have to do is get the Minister of Transportation and take him down to the Whitby GO rail station at about nine o'clock in the morning.

He came out at two o'clock Sunday afternoon. There were a few cars around and we had a band. There was great fun and he took all the credit on behalf of the Liberal government. He did not mention the Conservative administration whatsoever, or for that matter, my colleague the member for Oshawa, who has been talking for a long time about the extension of the GO rail system. He did not do any of that.

Notwithstanding that, we should get him back out there during a weekday and show him that the lots are full, and let him make provision. There are some spots all along there, some vacant land to extend the parking lots. Then, lo and behold, we would be able to encourage people to drive to the GO rail station, for which I know the Treasurer would gladly give some more money, especially with the adoption of interim supply. He will give the money to the Minister of Transportation and next spring I am confident that, lo and behold, the bulldozers will be in the ground pushing the dirt around and getting ready for the extension of parking facilities.

Today, in the snowstorm, I made a survey of the other stations, since I was bogged down in traffic anyway. I went into the Pickering station. Strangely enough and happily enough, there



were some spots there. Maybe that is because people could not get to the station because of the snowfall. I somehow doubt it. I think there has been some relief of pressure, but all that has happened is those people out in Ajax and Whitby who had been going to Pickering are now going to those locations.

Mark my words, the Pickering spots are going to be full pretty soon, because if they cannot park at the GO train station—I think I have a quote. How could I forget it? “Parking tickets no way to GO.” I have a little notice here from the *Toronto Sun* of Thursday, November 3: “Clarkson isn’t the only station battling a lack of adequate parking. GO spokesman Edmund Shea”—good old Edmund—“says stations in Pickering, Port Credit and Richmond Hill all face the same problem.

“‘We recognize there is a problem,’ said Shea.” Great. “‘But we’re dreaming if we think we can provide a parking spot for every person riding public transit.’”

I do not understand this. Are we not trying to encourage people to ride public transit? So what is he saying? “If you don’t have a parking spot, get in your car and start driving downtown.” If you come down the Allen expressway, there are great big signs over the expressway: “Have you bought your TTC pass yet? Wouldn’t it be better to be riding the subway? Wouldn’t it be much more pleasurable and convenient?” And here is the representative of the GO rail system saying, “We’re not going to provide parking for those people who want to use the system.”

To me, it is fundamental. If the Treasurer wants to try to get the people off the highways and using the commuter rail system, he is going to have to spend the bucks to provide parking. I wish I had about five hours. I can remember the Treasurer, when he was in opposition, right on the front bench, complaining about all those wonderful Conservative cabinet ministers and the fancy limousines with the yellow lights. He was always worried he would get zapped by the yellow lights.

Time and time again, I tune in to CBC Radio 740, the morning show, and once a week there is the Treasurer talking on the radio station. Do members know where he is talking from? Do they think he is talking from his office? Do they think he is talking from Earl’s Shell Service? Do they think he is talking from St. George and his lovely 100-acre farm? No, he is talking from the back seat of the limousine with the car phone and the yellow lights. You can hear the static.

Time and time again, I think back to all those speeches. I have often been moved to bring them to the Legislature and read them for his benefit so he could realize how boring they were. Now, lo and behold, he is in government.

The other great speech he used to have was being impressed that in the Sutton Place Hotel, when he went to the washroom, there was a phone in the washroom. I heard that speech time and time again. Now that he is in the big time, phones in washrooms are part of the deal. He goes to all the fancy hotels around the world: “I’m the Treasurer. I get the bathroom with the phone in the washroom.” I guess that is the attitude now that he has made the big time.

I could also refresh his memory about an interesting little trip we had to Newfoundland with his lovely wife, Dorothy—that is the only reason he keeps getting elected here—and with my wife, Catherine. We had a little sojourn to that wonderful province. We can talk about the time we shared a chocolate éclair, the four of us, at Gatsby’s Dessert Salon. I will never share a dessert with him again, however, not because I am particularly worried about acquired immune deficiency syndrome but about consuming some of the Liberal policies I have seen coming forward from this huge Liberal majority government.

Mr. Speaker, if you have not noticed, I have got side-tracked just slightly. We will move along from parking spots at GO rail stations to Ontario Hydro, a pet concern of the then Liberal opposition when we were in government for years and years.

I heard the Treasurer talk about it all the time: “How are we going to get in charge of Ontario Hydro? It’s a mammoth unto itself. It’s out of control.” Happily enough—I give credit to the administration—they have adopted the continuation of some kind of committee investigation into the policies of Ontario Hydro. Presently, there is the select committee on energy.

I will not refresh everybody’s memory, with five minutes left, but this administration and the Minister of Energy (Mr. Wong) are going to have to make a very serious decision in the next year. I know the Treasurer’s hand is going to quake when he is summoned to New York by Bradley, Poor and Rich, or whatever that stockbrokerage firm is down there. He is going to have to sign the endorsement to borrow money for the Darlington B generating station. It is coming down the tubes, I say to the Treasurer, because he is not going to have enough electricity in Ontario. We



know where the New Democratic Party stands on nuclear power: It is against it.

1740

I can remember when the Treasurer and I sat on those committees a long time ago. We had so much work to do they brought in sandwiches and he was worried the sandwiches were carcinogenic. Does the Treasurer remember those days? Boy, he has come a long way. I only had eight weeks in cabinet before I got the hook, and the Treasurer has had a lovely three years and at least three to go.

I could get into the details about the concern of the Minister of the Environment about acid rain. He does not want to go into oil-burning or coal-burning plants. Even last year, with the drop in water levels, we did not have enough water to produce electricity from hydro plants, so what are we going to do?

The official opposition—did members know that we are the third party now? I say to my colleagues, count us: one, two, three. For all the people across Ontario who hated us in the last election, I thought I would refresh their memory to make them feel good. But there will be another time. As Harry Worton used to yell at the Treasurer: “Do not worry, Bob. It is a long road.” Now here I am saying it. Can members believe it?

**Hon. R. F. Nixon:** I remember getting a lot of comfort from that.

**Mr. Cureatz:** A lot of years of comfort; I saw him for a long time. Back to Ontario Hydro: Members are going to have to make a decision on where they are going to get enough electricity. They thought they were going to buy it from Quebec. But they are saying: “We know about the Liberal rump and where the wind comes from all the time. We will refresh their memory on that one.”

They cannot buy it from Quebec. It is short of electricity. Manitoba: We do not have transmission lines. So what are we going to do? We are going to have to get it from Ontario and we are going to have to construct—mark my words—Darlington B. I know we have concerns about nuclear energy, etc., but the people of the province will not stand for it, I say to the Treasurer. We might get away with it this winter. We might have enough power. But I say that next year, next winter we are not going to. It is going to be at breaking point.

We had to have a phase-out of power in the summertime. We are not going to be able to get away with it in the wintertime. The people of Ontario are going to demand that this do-nothing

government—we have seen it on Sunday shopping, pass the buck; municipal housing, pass the dollar; car insurance, send it to the board.

They are going to have to make a decision about electricity, and there have been more sage members in these chambers—I can think of one, Osie Villeneuve, the predecessor to my learned colleague here, the member for Stormont, Dundas and Glengarry (Mr. Villeneuve), who used to say that nasty Liberal regime under Mitch Hepburn never made a positive decision about electricity for the people of Ontario and that is what really defeated it. It just might all come to pass again, because the government is not going to make a decision about how Ontario is going to be provided with more electricity.

While I have a moment, I want to say the production of electricity notwithstanding, strangely enough—I have not had the chance to do this in question period. My colleagues on the very front bench of my party somehow restrain themselves in allowing me to get on, so I am going to bring it up right at this moment, in the last two minutes.

At the Darlington generating station, of which the first two units are to come into power next year, lo and behold, they have a tritium removal facility. I have to say that on the various select committees, we indicated in an all-party report that we cannot have a nuclear accident anywhere in any of our plants in Ontario, unlike Chernobyl. We can talk about it and look at all the possibilities, but we just cannot afford to have it.

Lo and behold, in my old riding of Durham East, what do they have? They crank up the tritium plant, and I am supportive of that. There have been some groups that say they should have tritium removal plants at each station. Well, okay, let's put it in one station. Now we have had some benefits from the Darlington station's being constructed in my riding, so let's take on some further responsibility.

Do members know what happened? They started up the tritium plant and they had a gas release of tritium. I say to members and to Ontario Hydro, as supportive as I have been from time to time, it has been a little disconcerting for me, as a provincial representative for that area, when suddenly they crank up the plant and they have a gas leak. I just feel a little uncomfortable about that. I am going to be pursuing that with the Minister of Energy during question period.

Notwithstanding that, Ontario Hydro has itself in a heck of a mess in my riding of Durham East in an area called Wilmot Creek with a hydro

corridor and all kinds of leases, and it has yet to move on resolving that problem.

**The Acting Speaker (Mr. M. C. Ray):** Is the House ready to vote on this resolution now?

Motion agreed to.

#### INCOME TAX AMENDMENT ACT

**The Acting Speaker:** By earlier agreement between the House leaders, it was decided that there would be a vote at this time on second reading of Bill 193.

The House divided on Mr. Grandmaître's motion for second reading of Bill 193, which was agreed to on the following vote.

#### Ayes

Adams, Ballinger, Beer, Bossy, Callahan, Campbell, Caplan, Carrothers, Chiarelli, Cleary, Conway, Cooke, D. R., Cordiano, Curling, Daigeler, Eakins, Elliot, Elston, Epp, Faubert, Fawcett, Fleet, Fontaine, Fulton, Grandmaître, Haggerty, Hart, Henderson, Hošek, Kanter, Kerrio, Keyes, Kozyra, Kwin-ter, LeBourdais, Leone, Lipsett;

Lupusella, MacDonald, Mahoney, Mancini, McGuigan, McGuinty, McLeod, Miclash, Miller, Morin, Neumann, Nixon, J. B., Nixon, R. F., Offer, O'Neil, O'Neill, Patten, Phillips, Poole, Ramsay, Ray, M. C., Rey craft, Riddell, Ruprecht, Smith, D. W., Smith, E. J., Sola,

South, Sweeney, Tatham, Velshi, Ward, Wong, Wrye.

#### Nays

Allen, Breaugh, Bryden, Charlton, Cooke, D. S., Cousens, Cunningham, Cureatz, Eves, Farnan, Grier, Hampton, Harris, Johnson, J. M., Johnston, R. F., Kormos, Laughren, Mackenzie, Marland, Martel, McCague, McLean, Morin-Strom, Philip, Pollock, Pope, Pouliot, Reville, Runciman, Villeneuve, Wildman, Wiseman.

Ayes 71; nays 32.

Bill ordered for third reading.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** I have a brief business statement for tomorrow. I know my friends would want me to do this.

Tomorrow we will proceed with third reading of Bill 193, after which we will do second reading of Bill 196, the Psychologists Registration Amendment Act, and then into second reading of a number of justice bills: Bill 9, Bill 150 and Bill 174. We will not be dealing with Bill 169, An Act to amend the District Municipality of Muskoka Act, tomorrow.

The House adjourned at 6:04 p.m.

#### ERRATUM

No.	Page	Column	Line	Should read:
119	6677	2	3	Brantford was one of them. Not only is one of



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Orisle L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaitre, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
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 Philip, Ed (Etobicoke-Rexdale NDP)  
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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**First Session, 34th Parliament**

Wednesday, December 14, 1988

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, December 14, 1988

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### SIKH CEREMONIAL KIRPANS

**Mr. R. F. Johnston:** I want to ask both the Minister of Citizenship (Mr. Phillips) and the Minister of Education (Mr. Ward) to get themselves directly involved in the issue that has risen around the Peel Board of Education's decision not to allow Sikh students to go into the classroom with their ceremonial daggers.

I know this is a difficult issue for us to deal with and is not something most of us in western religions can identify with, but there has been the experience of the Toronto Board of Education for a number of years now, where no instances at all have taken place of the misuse of these daggers, and the North York Board of Education has come up with a very interesting method of allowing them to come in as long as they are concealed.

I suggest it is high time this government, through the Minister of Citizenship and the Minister of Education, came up with a policy and a rationale that could be given to boards of education to assist them in making decisions that would avoid some of the problems we have now seen develop in Peel.

### TRAINING FOR FIREFIGHTERS

**Mr. Villeneuve:** In recent weeks, I have been pleading with the Minister of Skills Development (Mr. Curling) to speed up an application made by the Mutual Aid Firemen's Association of Stormont, Dundas and Glengarry. These professional part-time firefighters have a rare opportunity to upgrade their skills, but the ministry has been so slow that the 62 firemen involved may lose their only chance to take this course to upgrade their training skills.

The reason for the ministry's delay is strictly bureaucratic, another failure by urban bureaucrats to understand issues in rural eastern Ontario communities. Even though the errors were pointed out directly to the minister on November 30, the ministry has failed to take prompt action.

The course in question begins on January 6, 1989, and that is very soon. Without funding by

the ministry, there is no chance that any of these rural firemen will be able to attend. With Highway 401 and Highway 417, three major rail lines and many scattered rural communities within their area of coverage, these firemen must be trained to deal with as many serious situations as are full-time urban fire departments.

I urge the Minister of Skills Development to take prompt and positive action to ensure that the 62 members of the Mutual Aid Firemen's Association of Stormont, Dundas and Glengarry are able to start their course on January 6.

## GOVERNMENT PROCUREMENT

**Ms. Collins:** I rise today to urge our government to adopt a procurement policy giving preference to environmentally sound products. There are several conditions that likely are necessary to implement a successful purchasing policy.

The program should be clearly understandable to purchasing officers, the environmentally sound products should perform their functions well and have prices competitive with conventional alternatives, and the policy should not increase trade barriers for Ontario and other producers that fear market fragmentation.

I suggest our government recognize the importance of environmentally sound criteria in purchasing products and letting contracts. This policy would have a number of beneficial spinoffs, including encouraging the development of environmentally sustainable products and technologies in our industry and setting an example for other governments, along with society at large.

With respect to the costs of implementing this procurement policy, it is significant that an overwhelming majority of Canadians have repeatedly indicated in opinion polls that they are willing to pay up to 10 per cent more for environmentally sound products. This does not surprise me. Like most of those surveyed, I may not know what the final bill will be for making the shift to an environmentally sustainable lifestyle, but I do know what the price will be if we do not start to pay it now.

### WEST END CRECHE

**Mr. Allen:** The West End Creche is a Toronto children's mental health agency that works with



abused, autistic, speech-impaired and organically damaged kids. There are assessment units for these children in hospitals like the Hospital for Sick Children but no treatment facilities. Private psychiatrists also pass these children on to places like the West End Creche because, as some of them say: "These kids are too depressing. They destroy your office."

Agencies like the creche are essential to the future wellbeing of up to 18 per cent of Ontario children, according to a 1983 Ontario Child Health Study. The staff at the West End Creche are highly trained with two, three and four degrees. They relieve highly paid psychiatrists of treatment responsibilities. Ironically, they are at the bottom of the heap of what are called transfer agencies in Toronto and across the province.

The government relies on them for delivery of crucial health services, but the Ministry of Community and Social Services pays these transfer agencies, and especially the West End Creche, grants that preserve a large gap in salary between them and equivalent personnel in direct payment agencies and the ministry. In a letter to me, the minister admitted the gap is growing. As in child care and homemakers' fields, trained and experienced personnel are leaving the field. The creche has had a 75 per cent turnover in three years, when continuity in personnel is crucial to treatment.

Do these agencies all have to strike or threaten closure, like Catulpa Tamarac Child and Family Services, to get some recognition or response from the Ministry of Community and Social Services?

#### CONSTRUCTION SAFETY

**Mrs. Cunningham:** On November 25, the Minister of Skills Development (Mr. Curling) announced amendments to the regulations for training for crane operators. One of the troublesome amendments was the elimination of compulsory ministry training and accreditation requirements for operators of hoisting devices under eight tonnes. Over the last six years, the Ministry of Skills Development has changed its training policy three times with regard to boom truck operators who are affected by the proposal.

There is an average of one boom truck fatality every eight months in this small industry now. With less training, the workplace is less safe. Should we expect more accidents and fatalities? This ministry has obviously spent extensive time, effort and moneys for private consultants to address its concerns with training, safety and

efficiency at the work site. Boom truck operators want a safe place to work.

I cannot believe this ministry is sincere about reducing accident rates and providing a safer work environment for Ontario construction workers when it is exempting a sizeable number of workers from compulsory training they were previously entitled to. We do not want this change. Too many lives have already been lost.

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#### PROPOSED MOHAWK-RYERSON EXPANSION PROJECT

**Mr. Neumann:** Many members may not be aware that my riding of Brantford is the only community of its size in the province without the benefit of a significant post-secondary facility. We do not have a university and we do not have our own community college. The lack of such an institution has meant that young people in Brant county have traditionally had a lower than average post-secondary participation rate. People in Brant county who wish to further their education must go outside our community.

Mohawk College of Hamilton does offer some programming at scattered locations in Brantford and this has proved to be very popular; however, it is not enough. Brant county needs and deserves a full-scale college campus to give our young people the same opportunities as those that exist in other communities of a similar size. Sadly, Brantford was overlooked during the growth years in post-secondary education.

People in our community fully support the proposed Mohawk-Ryerson expansion project recommended to the Minister of Colleges and Universities (Mrs. McLeod) by her advisory committee. I am confident this government recognizes the need. I urge the minister to recommend this project to cabinet for implementation, as this exciting project forms an important part of our community's diversification and restructuring strategy.

#### PUBLIC SECTOR PENSION PLANS

**Miss Martel:** The Ontario Public Service Employees Union has launched a campaign to bring its concerns about pensions to the attention of all members of this House. OPSEU members are concerned about several of the proposals in the Coward report, especially the one to raise employee pension contributions by more than two per cent in order to fully fund the pension escalator.

Negotiability is also a problem. Collective bargaining is not permitted on the issues of

contributions or benefit levels, nor do employees have any say over what happens to the pension fund. They have no control or effective input into the management of the fund or its investment. The \$4 billion in assets could and should be invested so that surplus revenue can be generated to fund improved benefits. Some of the improvements in benefits that OPSEU members would like to have the opportunity to negotiate include improved early retirement provisions, survivors' benefits, improved portability provisions and inflation protection.

OPSEU members have every right to be upset since the assets of their pension plan have been used freely by both the Liberal government and the previous Conservatives, resulting in a low rate of return. OPSEU members are seeking the right to negotiate a pension agreement that is fair to its members, to the government and to the taxpayers of Ontario.

In order to do this, changes are required to two important acts. Most of all, a change is needed in this government's attitude, with real recognition that the pension funds belong to the employees and that pension contributions are deferred wages and not simply a captive capital pool to be used by the employer at every opportunity.

## STATEMENTS BY THE MINISTRY

### AFFORDABLE HOUSING

#### HABITATIONS À LOYERS MODIQUES

**Hon. Ms. Hošek:** It gives me pleasure to inform all members of this House that the Ministry of Housing and the Catholic Archdiocese of Toronto have today entered into a partnership to provide affordable housing.

This agreement is a direct result of the leadership shown by His Eminence Gerald Emmett Cardinal Carter, Archbishop of Toronto, with whom I signed the agreement and who is in the House today to receive the appreciation of all members.

This is the first partnership agreement of its kind that the ministry has entered into with a major religious denomination. I know that partnerships of this kind are essential for us to make progress in supplying affordable housing across the province.

Cette entente s'inscrit dans le cadre des politiques de logement du Gouvernement, en particulier dans les domaines de soutien communautaire et de l'offre de terrains.

L'archidiocèse catholique, dans le même esprit du message du Nouvel An de 1988 de Son Éminence, fait appel à ses fidèles afin de trouver

des solutions aux problèmes de logement. Ceci encouragera l'ensemble des communautés de Toronto à appuyer et à promouvoir les organismes de parrainage à but non lucratif dans leur quartier.

As members well know, one of the biggest obstacles to producing affordable housing is the identification of available land. The archdiocese is making an inventory of its land to determine its appropriateness for housing development. This activity will have a major impact on our shared ability to produce affordable housing.

The archdiocese is leading the way with its plans to develop nonprofit housing on its own lands and is opening a housing office to co-ordinate the development of affordable housing on all church lands. This office will assist all concerned in providing more opportunities to build housing that is needed and so necessary. The Ministry of Housing will provide financial support to help set up this office.

Under the agreement, the ministry and the archdiocese are planning for the development of more than 800 nonprofit units over the next three years under our nonprofit programs. This includes some 400 now under active consideration and an additional 400 to 600 that will be identified once the inventory is complete and housing targets are established.

This agreement is a significant beginning to our strong working relationship with the archdiocese, and I hope a sign of things to come with other organizations.

### PENSION BENEFITS

**Hon. Mr. Elston:** I wish to inform the House of the government's intentions concerning a number of pension issues, if I may.

The Pension Benefits Act, 1987, deals with post-1986 surplus generated in a pension plan. Plan sponsors were given until December 31, 1988, to amend their documents to provide for ownership of surplus. Other plan amendments related to the 1987 pension reforms, however, are not mandated to be made until January 1, 1990.

In order that all plan amendments can be made in a comprehensive manner, the deadline concerning ownership of surplus amendments will be extended by regulation for one year.

I also wish to announce that we are amending another regulation to the Pension Benefits Act, 1987, to continue the restrictions of surplus withdrawals in terminating pension plans until January 1, 1990.



I also wish to announce we are in the process of consultation with business communities, labour organizations and consumers around the province, and that in our consultations on pensions we have recognized there are a number of closely related critical pension matters.

Therefore, it is my intention to release early this new year, draft legislation to form the basis of discussion on these issues, which include inflation protection, pension benefits, the guarantee fund, the solvency valuation rule, the splitting of pensions on marriage breakdown and clarifying amendments and strengthening of enforcement and administrative law elements of the Pension Benefits Act, 1987.

This draft legislation will be widely distributed for comment.

All of us recognize that pension reform to date has improved pension standards for the approximately 40 per cent of the Ontario labour force who are members of employment pension plans. But we must also be concerned about the rest of Ontario's workers who do not have benefits such as those provided by pension plans.

It is our goal to expand employment pension plan coverage in Ontario, and this too will be included in our discussion draft.

**Mr. Speaker:** Are there any other ministerial statements? If not, responses; the Leader of the Opposition.

**Mr. B. Rae:** I was hoping that the Treasurer (Mr. R. F. Nixon) would be making a statement to accompany the rosy picture he painted here and left on our desks at one o'clock this afternoon. Since he does not have a statement, perhaps I can refer—

**Hon. R. F. Nixon:** Are you not going to be here tomorrow?

**Mr. B. Rae:** Are you going to make it tomorrow?

**Hon. Mr. Nixon:** No.

**Mr. B. Rae:** No? Oh, I see.

## RESPONSES

### AFFORDABLE HOUSING

**Mr. B. Rae:** Perhaps I can respond, first of all, to the announcement by the Minister of Housing (Ms. Hošek). Any development of new housing in this province is to be welcomed and we on this side of the House certainly want to welcome it. It is part of a long-standing tradition on the part of many of our charitable and religious institutions to be heavily involved in the field of affordable housing. We are very, very proud the cardinal is here and has been speaking

at a press conference, indicating exactly what the archdiocese plans to do.

But I would like to point out to the minister that in last spring's budget—

**Mr. Black:** Now be careful; be nice. It's the Christmas season.

**Mr. B. Rae:** In the spirit of the season, in last spring's budget she announced 30,000 units in the Homes Now program, of which this, I take it, is part. This announcement gives details of several hundred more units to be built, but we have added it up and it means that out of the 30,000 that were announced, 3,800 have been solidified. There were 30,000 units promised in the budget, but there are only 3,800 units in what is supposed to be a multi-year program, so all that can be said is that there is a long, long way to go to achieve the necessary target.

I say to the minister that I look forward to her action on a number of applications that I know are in front of her that will, I am sure, be announced day by day by this government for the next several years. But I would say that I doubt very much that we will in fact reach the 30,000 units promised and headlined by the government on many occasions.

1350

### PENSION BENEFITS

**Mr. B. Rae:** If I might also respond to the statement by the Chairman of the Management Board of Cabinet and Minister of Financial Institutions (Mr. Elston), you have to have to have been here a while to know how ludicrous the minister's statement is today.

When the accord government was in place, it was the inheritor of a set of policies that were in place, discussion papers with industry going back to 1981 and 1982 on this question of inflation protection. It has been sitting in the Treasury and the Ministry of Financial Institutions for seven years, and the minister knows that.

The issue has been canvassed. It has been discussed by treasurers across Canada. It has been discussed at conferences on pensions since 1981 or 1982. It is not a new issue.

After all the arguments we had with his predecessor, after all we were able to demonstrate in terms of the abuses by companies taking advantage and withdrawing surplus, of all the issues that we have raised with respect to contribution holidays and companies that are now contributing, of the thousands and tens of thousands of pensioners who have been waiting all this time for some action on what is going to

happen to them, for the minister to say that the best he can do is that some time in the new year he is going to produce a draft discussion paper, draft legislation which will be discussed, legislation in draft form—not even first reading, not even legislation presented as a bill but legislation simply out there for discussion—it will be a long time before pensioners in this province get justice under a Liberal government.

It is perfectly obvious that under either the Liberals or the Tories, the message to pensioners in this province is wait, wait and wait again. We say the waiting should be over. People who are in their seventies and eighties should have the right to a pension that is protected from inflation by employers and by funds that have been making billions and billions and billions in excess profits these last seven years.

For the government to say it is simply going to ask pensioners to wait and wait and wait again just is not good enough.

#### AFFORDABLE HOUSING

**Mr. Brandt:** I am delighted to rise in my place today to have this opportunity to compliment His Eminence G. Emmett Carter on the initiatives that he has taken to assist the Minister of Housing (Ms. Hošek) with respect to the development of affordable housing in this province.

I am delighted as well that Cardinal Carter has indicated that he is prepared to co-operate with this government in helping to solve one of the real crises this government is facing with respect to the expansion of a housing program that will meet the needs of the people who are unable to find adequate housing accommodation in Ontario.

**Hon. Mr. Peterson:** Are you currying favour with the church?

**Mr. Brandt:** I hope that the Minister of Housing will take into very serious consideration the kind of leadership shown by the cardinal with respect to this announcement, which will hopefully lead not only to the 400 units now under construction but to an additional 400 to 600 units that are being proposed on lands now controlled by the Catholic Church, but I hope as well that this will serve as a signal to other organizations throughout our province that the minister is now conceding that she is unable to meet this demand alone and will in fact need the voluntary contributions of organizations right across the province in order to fulfil the needs of housing.

I hope that all organizations that are in a similar situation to those under the responsibility of G. Emmett Cardinal Carter will in fact come

forward and offer to the minister their assistance and help as well.

I would like to suggest, if I might—and this may be somewhat unusual, but it is so infrequent in this House that the Leader of the Opposition (Mr. B. Rae) and myself can get up and agree with what the government is doing on any particular proposal that it puts forward—that the cardinal should in fact be informed of the unanimity of this House with respect to this question.

**Hon. Mr. Peterson:** You won't make it into heaven no matter what you say.

**Mr. Brandt:** I think he should be informed in one of the most direct ways possible. I would like to recommend—if I can get over the interruptions of the Premier (Mr. Peterson), who is so amazed that we are agreeing with him on this point—that the Hansard be sent to the cardinal and that he be very directly informed of the fact that all parties in this House applaud this very progressive and yet, at the same time, conservative measure with respect to the needs of this province. I hope it will lead to further initiatives that will in fact be taken in the days and weeks ahead by other organizations.

**Mr. Cousens:** In her statement, the Minister of Housing said, "This agreement is a significant beginning to our strong working relationship." The one thing that is very true is that the Catholic Church and the Christian church have been working to help people for close to 2,000 years.

I am indeed pleased that there is a sense of hope for at least 400 to 600 more families. I think maybe the signal should go out that if the government can work effectively with the church groups and can work effectively with the civil service, maybe it can begin to work more effectively with those who build rental accommodation and develop a better strategy to work with the whole marketplace.

It takes all levels to work effectively in order to solve the problem. The government cannot do it just by itself. The fact that it has tried to do it by its lonesome for this length of time—

**Mr. R. F. Nixon:** Even the cardinal couldn't crack Markham.

**Mr. Cousens:** The cardinal can give it a blessing now, and that is going to be good, but let's begin to have government and the builders in private enterprise and the church and the community at large working together. It has not happened till now. The government has not completed the triangle. Let's see it work a little harder, because it has not begun to reach its



election goal of 192,000 rental units by the end of this year. So far, the government is still a failure.

#### PENSION BENEFITS

**Mr. Runciman:** A quick response to the Minister of Financial Institutions (Mr. Elston): We have mixed feelings about the statement today. While we share the concerns of the Leader of the Opposition (Mr. B. Rae) about further delay, we are also reluctant to see this government plunge headlong into a process the way it did with the auto insurance. They rushed into the auto insurance field with an ill-thought-out, interventionist approach that has developed into one sorry mess. We hope that by taking this extra time and talking to a variety of people—

**Hon. Mr. Wrye:** You're on the status quo kick today.

**Mr. Speaker:** Order.

**Mr. Runciman:** —about the implications, we are not going to be faced with the same sort of situation.

#### ORAL QUESTIONS

##### AUTOMOBILE INSURANCE

**Mr. B. Rae:** I have some questions for the Premier about the car insurance review that is going on at the Ontario Automobile Insurance Board and some of the tremendous difficulties that are being experienced at the board.

I understand the Premier made some statements to the press this morning with respect to who has the last word in this regard. I have once again been reading through Bill 2, the act under which the insurance board is working, and the Premier says he thinks the cabinet has the last word. If that is true, I wonder if he can explain why section 14 of the act says, "The board has exclusive jurisdiction to exercise the powers conferred upon it by or under this act."

Just what section of the act is he going to be invoking or using in order to make sure that the rates are fair and reasonable, as the act in fact calls for?

**Hon. Mr. Peterson:** The member is wrong, but I will turn it over to the minister to tell him why.

**Hon. Mr. Elston:** I am pleased to rise to provide a little bit of background for my friends with respect to the means by which the proposal has been put in place to ensure that there are fair rates in the province for auto insurance. The member knows about the board. He has just quoted the section dealing with the issue of the hearings that bring within their jurisdiction the

hearing of the rates. One of the things that we have been doing is funding the public interest, through the Consumers' Association of Canada.

Of course, as I have said to all people as we have gone through this process, when the product is in the field and when in fact the rate system is well in place, we as a government obviously will be comparing our product against that of any other jurisdiction. Then not only will we be sure that the rates are fair, but that the people of the province are getting the coverage that insurance is designed to provide them in a reasonable manner, a cost-effective manner and in a manner which provides them with the coverage which they require to protect their interests in the event of accidents.

1400

**Mr. B. Rae:** I do not think I heard an answer to my question. Perhaps I could ask the minister, since he did not answer my question, whether he would not agree with subsection 27(1) of the act, which says, "The superintendent, with the approval of the Lieutenant Governor in Council"—which means the cabinet—"may issue policy statements on matters related to categories of automobile insurance, classes of risk exposure and automobile insurance rates and dividends."

Subsection 27(2) goes on to say, "A policy statement takes effect on the day it is published in the Ontario Gazette." Subsection 27(3) says, "In making orders under this act, the board shall have regard to the policy statements issued under this section."

Since the board has final jurisdiction over what the level of rates is going to be, and the only time the government gets to influence a board decision is by issuing a policy statement on the subject of insurance rates before the board makes its decision, does the minister not think he and his cabinet colleagues had better get together and decide what that policy statement is going to be on behalf of consumers? He has not appointed the advocate; the very least he could do is issue a statement telling the board what it is allowed to do.

**Hon. Mr. Elston:** Mr. Speaker, you will also want to know that in addition to people being able to get in touch with the Ministry of Financial Institutions so that we can pass the questions of difficulty that consumers are having on to the board, they can also get in touch with the superintendent of insurance, just to put to rest the member's concern that consumers have no access to deal with questions of concern.

I can tell the honourable member that in terms of policy it is very clear that the board is to work

in a manner which puts a fair rate system in place in Ontario. It is charged to ensure that the consumers of this province understand and know that its deliberations have provided a fair result.

That is what the open hearing process is about. That is what this public discussion we are having now with respect to rates is all about. That is a very clear policy statement made by this government as it was put through this Legislative Assembly. The public knows full well that the proposal which is in front of the board now to deliberate upon is being considered with respect to the public interest of having fair rates. I cannot think of anything that is more clear than that. Fair rates for coverage is a very clear and distinctive policy statement to that board in outlining its mandate.

**Mr. B. Rae:** Let me ask the minister a yes-or-no question. Is he or is he not, on behalf of the government of Ontario, going to issue a policy statement under section 27 indicating what the policy of the government of Ontario is with respect to insurance rates? Is he going to do it under section 27 specifically? Yes or no?

**Hon. Mr. Elston:** The government of this province has already spoken very clearly. We have indicated we want fair rates in Ontario. We have said that specifically. To ensure that this process is carried out, we have a very open and public hearing. The member would also be aware that at this particular time we have the first in a series of hearings the board will be having. It has an ongoing jurisdiction with respect to this matter. It will continue to hear in a public way concerns from the public, industry or other people about the rates, but the policy is never going to vary: fair rates in Ontario.

**Mr. B. Rae:** I never knew that the word "no" had a thousand syllables, but I guess it does. We just heard it from the Minister of Financial Institutions. The answer to my question was no.

**Mr. Speaker:** Your new question would be?

#### RENT REGULATION

**Mr. B. Rae:** A question to the Minister of Housing. I want to ask the minister some questions about rent review.

The minister will no doubt know that as of October 31, which is the last date for which we have figures, some 242,000 rental units are still awaiting a decision on rent review. That compares to, on March 30, 235,000 and on April 30, 240,000. It is, I admit to the minister, since I know she will say this, a slight decline from the peak of 258,000. It still represents nearly a quarter-of-a-million citizens, nearly a third of all

people living in rental accommodation in units that are covered by the act, who are waiting to hear a decision on rent review.

I would like to ask the minister, when she has a situation as serious as that, when she has tenants who are routinely receiving increases of 8 per cent, 9 per cent, 10 per cent—in fact, the average on rent review now is 11.4 per cent; again, the latest figure is from October 31—

**Mr. Speaker:** The question?

**Mr. B. Rae:** I wonder how the minister can justify a system which leaves 250,000 people waiting, hanging around for years on end for a decision; and those tenants who have had their decisions show an increase which is over twice the allowable amount under the government's so-called legislation.

**Hon. Ms. Hošek:** I have said in this House many times before, and I am happy to say again, that it concerns me greatly that we are not processing these answers as quickly as we would like. However, I would like to share with the member opposite, who I am sure is very interested in the answer since he was so interested in the question, that as of our last date, at the end of November, the backlog had been reduced to 18,300 applications, which is a significant reduction, and the number of applications governs how quickly people get their answers.

The member also made a case about the average increases for the people who have gone through rent review. That is indeed the case and those increases have to do with increases that are justified because of capital costs and other costs associated with running those buildings.

**Mr. B. Rae:** Since the minister's answer states very clearly that there are increases that have been called justified, I would like to ask her how she feels about the fact that there are literally thousands of tenants who are paying more now, paying more this year, who will pay more next year and will pay more the year after and well into the 1990s because of the financial loss provisions of her bill.

In fact, would the minister not agree with me that there are thousands of tenants who are being asked for the next five or 10 years to carry the cost of flipping and speculation on apartment buildings, which her government has done absolutely nothing to stop?

**Hon. Ms. Hošek:** The provisions of the act the member is talking about are there to make sure that if there is an increased cost when buildings change hands, the cost is contained. In 1982,



when our party was in opposition, we worked hard to make sure that that increase was contained and capped at five per cent, and that is the way it works now.

It seems to me that one of the pieces of information that might be helpful to the member opposite is the knowledge that at the same time as there are indeed rent increases that go through the rent review system there are also rent reductions and rebates, and the average rebate of rent in this province has been 14.4 per cent.

**Mr. B. Rae:** If the minister needs documentation, we can provide it to her on a daily basis in terms of where the flipping is happening, where the speculation is taking place and why it is that the government's law, in fact, sanctions it, allows it and indeed requires the tenants to finance it. Let me give one example.

Would the minister comment on this example at 191 St. George Street in Toronto, which has 100 apartments? The building was sold to 191 St. George Street Ltd. on August 31, 1987, for \$2.9 million. This company then resold the building to Tri-Arms Investment Ltd. on January 5, 1988, for \$5 million. This represents a 72.4 per cent increase in a little over four months' time. That speculative increase is being paid for by the tenants every year on the financial loss provisions, and the minister knows it full well.

Does she not realize that the law she is in charge of administering requires tenants to finance speculation, not for one year, not for two years, but for as long as they are going to be tenants in that building? Is she not ashamed to have that kind of law in her jurisdiction?

**Hon. Ms. Hošek:** The law I am administering was put together after consultation and extensive work with landlords and tenants. It is not perfect, but it was meant to be a balanced package in which there was a series of initiatives to balance the concerns raised. There are extensive and increased protections for tenants under this rent review legislation. There is, I believe, a reasonable balance.

1410

#### AUTOMOBILE INSURANCE

**Mr. Brandt:** My question is to the Premier with respect to the Mercer report and the proposed auto insurance rates.

I want to suggest in advance that I have heard the comments of the Chairman of Management Board (Mr. Elston), so I would prefer that the question not be transferred to him. My question, therefore, is to the Premier and it relates to his comments. He said that just because the consul-

tants give a suggestion does not mean that the government is going to do it. Cabinet, ultimately, and the Legislature make the decision on these things.

Is the Premier now admitting that the entire process of setting rates is not independent? That is contrary to what he has been saying in this House. What are the implications of his words with respect to this arm's-length, independent review board, which he has indicated time and again in this House is going to have the responsibility for setting rates? Obviously, what he is saying here flies in the face of his previous comments, and I am looking for him to clarify which of his comments is correct.

**Hon. Mr. Peterson:** The leader of the third party is wrong too; and I will not refer this to the Chairman of Management Board, I will refer it to the Minister of Financial Institutions.

**Hon. Mr. Elston:** It always gives me pleasure to respond to the member for Sarnia. Although I have said before basically what I am going to say now, I think it bears repeating. We have mandated the board to go out and set the rates. They have gone about their business in a very workmanlike way and they are in the process of setting rates, as is their responsibility.

Ultimately, of course, as has been indicated, we will compare the product which we have in place and working, after it has been in place in Ontario for some time, against the products that are in any other jurisdiction in North America to see what happens and deal with issues. With regard to the rates, the board will set the rates some time in January, as the member suggests.

**Mr. Brandt:** I want to be very clear in my supplementary to the Chairman of Management Board, since the Premier does not want to handle this particular issue. I say to the Chairman of Management Board that just a few days ago he indicated that there was more than adequate time for the board to get input from the public. Today, the Premier is saying that there is not adequate time and that we are going to have to extend the hearings—again, a contradiction between him and the Premier.

Since the Premier has indicated on a number of occasions that this is an arm's-length, independent body and today has indicated that in some way cabinet is going to make the decision—two statements that are in direct conflict with respect to how this matter is being handled—could the minister perhaps share with this House how those statements that are in direct conflict happened to occur? Then the public of Ontario will clearly understand what is going to happen with these

rate increases, how it can have input, how the decisions are going to be made and what role, if any, the government is going to play, recognizing that on September 7—

**Mr. Speaker:** Thank you. The minister.

**Mr. Brandt:** My question is—

**Mr. Speaker:** I heard quite a number of questions. Order.

**Hon. Mr. Elston:** The people will know that there has been a commitment made by the board, by us, that the hearing process will allow for input. I have said and the Premier has indicated that there ought to be ample time for public input and, in fact, that goes a long way to deal exactly with the public pronouncements of the chairman the first day the hearings started, Monday, December 12. He said that if they needed more time, they would take the time.

The interesting thing is that, as a result, there is no conflict in that statement, which goes a long way to indicate that the member obviously is not in possession of all the material facts. I had said the public is going to be able to appear before the board and I expect that to occur.

With respect to this board process, the hearing process is of course quite independent and is going to deal with all of the material facts that come before it and make its determination independently of us and will set the rates. We have a mandate in the province with respect to dealing with the issues of insurance. As the member knows, my capacity as the Minister of Financial Institutions is to deal with the act or any other parts. Of course, ultimately the responsibility for all of the carryings on in the business field in Ontario in one sense or another comes back to—

**Mr. Speaker:** That is quite a full answer.

**Mr. Runciman:** There is a very critical issue here that is being avoided like the plague by both the Premier and the minister. The Toronto Star says, "For the first time, Peterson indicated the government, not the so-called independent auto board, has the final say on auto insurance." This is very critical. It is going to destroy any credibility this board supposedly has.

Let's have an answer from the minister quite clearly. Is the Premier wrong or is the minister not giving appropriate and accurate information to this House?

**Hon. Mr. Elston:** The honourable gentleman is obviously not quite on on this one because, of course, ultimately we do have the carriage of the issue of insurance throughout the province: auto, private and otherwise. But I tell the member that

the board has the requirement under the act to set the rates. We have the requirement as a government to take a look at the product and see how the policy is working out, and that will in fact take effect. I understand and the member understands full well that the board is setting the rates and we have, as the ultimate managers of the province, the obligation to compare the products.

#### WESTERN COAL

**Mr. Brandt:** My question again is to the Premier. I do not know if there is a minister of coal over there, but he will not be able to refer this one in that respect. The question I have is to the Premier in his capacity as vice-chairman of the Action Group on Western Canadian Coal.

It was about two years ago that the Premier issued instructions that Ontario Hydro should enter into immediate negotiations to buy western coal. I wonder if the Premier could indicate to the House today, since it was two years ago that that initiative was taken, what progress has been made. What contracts have Ontario Hydro entered into with the respect to the purchase of western coal and what contracts does the Premier anticipate will be unfolding in the weeks and months ahead?

**Hon. Mr. Peterson:** I am glad my honourable friend asked me that question. He is quite right. I think it was perhaps a year or so ago, perhaps two years, that we struck a task force under the chairmanship of Don Mazankowski and the western premiers to try to develop a methodology to buy more western coal in central Canada; not just for Ontario Hydro, but looking at its industrial applications as well, recognizing that even though we are in a world of free trade that my honourable friend supports, we would like to purchase as much as we can from our sister provinces.

I am going by memory but I think my facts are right. At the present time, I believe 37 per cent of Ontario Hydro's coal requirements are purchased in western Canada. If I am wrong, my honourable friends will help me. We pay a premium for that now of about \$100 million. In other words, if we purchased that same coal in the United States, in West Virginia, we could save Ontario Hydro roughly \$100 million. One of the reasons we are doing it is because we believe we should support other provinces. Another reason, of course, is to diversify the suppliers in a contract of this nature.

We have also entered into and signed in a memorandum, even though we did not have a meeting, a number of co-operative projects that



we could look at. One of the great problems in bringing in western coal is the transportation problem. We are looking at ways to get the BTU value of the coal up so you are shipping a higher-concentrate fuel. We are looking at our port facilities in handling this.

There are a number of new research projects that we are actively participating in and funding with the federal government. They are funding it out of their western opportunities fund or the equivalent thereof, as well as the other provinces. So we are engaging intensively in a lot of research to try to get the price of western coal down and make it more competitive.

We want to take this beyond just Ontario Hydro and have it for industrial applications, as I said, in Ontario as well. But at the present time, there is a severe price difference and a difference—

**Mr. Speaker:** Thank you. Supplementary.

**Mr. Brandt:** My supplementary is with respect to the fact that, as the Premier is, I am sure, aware, the contracts we have at the present time with the United States in regard to the purchase of coal are coming due. If there are going to be major decisions made, those decisions are going to be made within a relatively short time frame, given the period of time required to plan for these kinds of massive changes.

1420

The Premier is probably also aware that the \$100 million he mentioned will be offset very substantially by environmental improvements that can be made through the reduction of sulphur dioxide—which is the problem with purchasing American coal at this time, the high levels of SO<sub>2</sub>—and also the fact that some 5,000 jobs will be created in Ontario as a direct result of the importation of western coal as opposed to Pennsylvania or other US coal.

My question to the Premier is, what immediate steps are going to be taken with respect to entering into these contracts? Can he give us some concrete dates and figures with respect to his plans in regard to the purchase of western coal?

**Hon. Mr. Peterson:** The answer is no, I cannot. The negotiations are continuing on both sides, as my honourable friend will know, and I do not think it would be helpful to Ontario Hydro or the suppliers to make all of those figures public at the present time. Frankly, I do not know them. There are experts there who are negotiating these things.

My honourable friend raised another interesting question, the implications of the free trade agreement, which is something that he supports. It is very interesting to hear him talking out of both sides of his mouth on this issue. On the one hand he is saying we should favour Canadian vendors, and on the other hand he is saying we should respect the free trade agreement. My honourable friend will want to get his own philosophic act together before he gives us advice.

That being said, I do appreciate having the honourable member's advice, even if it is on both sides of the issue.

**Mr. Brandt:** Even that rather stretched statement did not get applause from the trained seals over on that side of the House.

[Applause]

**Mr. Brandt:** It is a little late now.

Since he raised this question, the Premier knows full well that nothing in the trade agreement denies him the opportunity to buy environmentally safe coal from western Canada. There is nothing in the agreement that sets aside a section that denies him that opportunity; so let's not use that as some kind of red herring in this particular debate.

The Premier should also be aware, since I am trying to keep this on a positive note, that the importation of western coal into Ontario will alleviate part of the harbour crisis in Thunder Bay and will create a substantial number of jobs in that community as a result of increased harbour activity, which is now being impacted very substantially by the reduction in the shipments of western grain.

In terms of the importation of this particular coal, which I believe even the Minister of the Environment (Mr. Bradley) would agree is a substantial and positive step forward environmentally and for Ontario Hydro, will the Premier take the initiative, as the vice-chairman of the committee studying this question, to move this issue high on the priority list so that in fact we can bring in western coal, as we should have been doing for some long time, and as a previous government back in 1970 originally initiated? Will he take the steps to make sure—

**Mr. Speaker:** Thank you. You did get to the question.

**Hon. Mr. Peterson:** Again I find my honourable friend's advice a bit contradictory, but let me say that we issued instructions to Ontario Hydro a couple of years or a year ago to try to increase those volumes from western Canada.

Indeed, I think if the member talked to Premier Vander Zalm, Premier Getty or the others, he would understand that Ontario has been making a supreme effort in this regard, and we are anxious to do so.

There are certain differences in SO<sub>2</sub>, as my honourable friend has pointed out, but there are also differences in technology and what can be burned where. There are different technical problems. It is not always easy, as I understand it—and others will give me advice if I am wrong—to transfer one grade of coal for another. There are problems involved in this.

My honourable friend is suggesting that we should bring this forward to solve the problems in the Lakehead today because of the layoffs of the grain handlers. That is a different problem, and I am glad he raised it. This is an issue that worries me a great deal—not just the jobs in the Lakehead but indeed the future of the St. Lawrence Seaway. As my honourable friend knows, the Seaway has been a major artery for the province of Ontario and indeed for western Canada. Because of federal government policies, they are stripping down the Lakehead.

I have had considerable correspondence with the Prime Minister on this issue, as indeed have many other members from the Thunder Bay area. This is extremely worrisome. Because I know that my honourable friend is held in such high repute by the Prime Minister, I would ask him for his advice and for his help in this matter. Would he please get in touch with the Prime Minister and say that he should treat the grain handlers in Thunder Bay the same way he is treating other grain handlers and that he has got to fulfil his responsibilities?

I know when the honourable leader of the third party stands up and speaks with passion—

Interjections.

**Mr. Speaker:** Order. There are other members who would like to ask questions.

#### RETAIL STORE HOURS

**Mr. Philip:** I have a question of the Solicitor General. She will be aware that under the present Retail Business Holidays Act, Boxing Day is a holiday. Is the minister aware that the Hudson's Bay Co. has sent a letter to its employees advising them that it intends to disobey that law and in fact encouraging its employees to be part of this disrespect for the present law? If so, what does she intend to do, as the chief law enforcement officer of this province, to uphold the present act?

**Hon. Mrs. Smith:** I particularly welcome such an interesting question from this member who has not been uninvolved in the discussions at the standing committee on administration of justice. We were very hopeful that we would have this out of committee and to the House so that we would have a new act with teeth in it to prevent such an occurrence.

Interjections.

**Mr. Speaker:** Order. I am sure the member for Etobicoke-Rexdale expects an answer. Minister?

**Hon. Mrs. Smith:** I would remind all members of the Legislature that last year there was some confusion around the Boxing Day closing. The stores indeed stayed closed on Boxing Day, which was Saturday, and some of them tried to open on Sunday due to the Sabbatarian exemption. That issue is not here presently at stake this year.

I saw the letter to the Attorney General (Mr. Scott) from the Hudson's Bay Co. in which it said that it had heard rumours that 70 per cent of the stores were going to open, etc., and then went on to advise its staff on all of this. I do not operate on rumours. I have heard no such rumours. The police are instructed. They will pursue the law as it stands and lay charges. I trust that the Hudson's Bay Co. and other corporate citizens will obey the law, as indeed individual citizens are expected to do also.

**Mr. Philip:** Now that the minister has heard the rumour, the same minister who has introduced legislation that has amounted to every Hudson's Bay store in British Columbia being open on every Sunday, would the minister tell us what she intends to do about a company that is advising its employees that it intends to break the law? Is she going to use the powers of injunction or other powers, as the chief police officer in this province, to see that this kind of wilful disobedience of the law and counselling others to—

**Mr. Speaker:** Thank you.

Interjections.

**Mr. Speaker:** Order. We will just wait for a while, if you want to waste time.

1430

Interjections.

**Mr. Speaker:** I hope no member will complain in the future that he has not had an opportunity to ask a question. Order.

**Hon. Mrs. Smith:** The member is well aware there are injunctive powers in the new bill, which has not been passed, which is still in committee.



There are no injunctive powers in the present bill to apply to anybody, be it the Hudson's Bay Co. or the smallest merchant anywhere.

When we get the new bill, we will use the powers it gives us. In the meantime, we will lay charges as the present bill permits.

Interjections.

**Mr. Speaker:** Order.

#### SPECIAL SERVICES AT HOME PROGRAM

**Mrs. Cunningham:** My question is to the Minister of Community and Social Services.

The London area office staff of his ministry has informed parents of autistic children of a 25 per cent reduction across the board in parent relief time. As he knows, raising an autistic child is a tremendous challenge and puts a great deal of strain on family members. In some families, this means a 25 per cent reduction in just six hours a month of relief time.

With this totally inadequate level of support services now, can he explain to the family members just how they can continue to provide the necessary care for their children in their own homes?

**Hon. Mr. Sweeney:** The member is referring, I believe, to our special services at home program. In the past three years, we have increased the budget of this program from about \$5.7 million to about \$11.5 million. That is more than a 100 per cent increase.

In the specific area that she is referring to, the London area, it has increased just over the last two years from \$637,000 to about \$1.1 million. That is almost a doubling; not quite. That is just simply a reflection of the increased demand for the service.

The member would know that in all of my programs I have limitations on total budget available, because the rest of the budget has to go to all the other programs for which I am responsible.

There has to be some control on the expenditure expansion because there just is not an unlimited amount of money; so our area office has been asked to reduce contracts by 25 per cent, where it is possible, as they come up for renewal. There is no reduction where it would make a significant impact on the family.

It is not an across-the-board reduction. It is a reduction for some but not for others.

**Mrs. Cunningham:** We checked this information with regard to the across-the-board reduction, which is one part of our concern, just within the last hour or so and we were informed otherwise: that six hours a month for some

families and 40 hours a month for other families will be reduced across the board. So, I would ask the minister to check into that part.

I think really the question here is the ministries' priority, both in health care and in the Ministry of Community and Social Services, for keeping families and children in their own homes.

I do not understand, and I am spending a great deal of time explaining to the public as we get calls in our office, how the government can support home care and not provide the resources.

My question is: How can a decision like this even take place when his ministry professes to support deinstitutionalization?

**Hon. Mr. Sweeney:** Let me speak to the very last point the member made.

I have issued a clear directive that no family, where there is a possibility of a child being institutionalized, will have any cut. I would ask the honourable member to check the sources she referred to in her question to see if that is the case. In fact, there will not be any institutionalization as a result of this.

Secondly, I would remind the honourable member that the specific program to which she is referring is only one of several programs that are available to many families. For example, once a family has reached the \$10,000 maximum of this particular program, then there are other programs to which it has access, other agency programs from my ministry and, in a number of cases, home care assistance through the Ministry of Health. It is not just this program in the case of many families, particularly those families who have children with multiple needs. A combination of all of those resources is usually sufficient to meet the needs of families.

#### GOVERNMENT PROCUREMENT

**Ms. Collins:** My question is for the Minister of Government Services. In recent years Canadians have become more aware of the quality of their environment. Issues such as acid rain, climate change and ozone depletion are discussed on a national scope every day. Therefore, I think it is incumbent upon elected representatives to lead by example. Would the minister please indicate whether consideration is being given to use environmental criteria as part of the provincial government's procurement policy?

**Hon. Mr. Patten:** I listened carefully and with great interest to the member's statement today. She will be aware that the Minister of the Environment (Mr. Bradley) a few months ago announced the Ontario Round Table on Environ-

ment and Economy, which among many things identified a couple of major concerns, one being the interdependence between sustainable economic activity and long-term environmental concerns; the other one was, in fact, government's corporate responsibility. As such, I have asked my officials if they would begin to look at our responsibilities related to environmentally sensitive and environmentally friendly products in our procurement area.

**Ms. Collins:** In a recent survey of my constituents, the majority have indicated that the environment is the issue of greatest concern to them. Would the minister inform this House how quickly he expects his ministry to adopt this policy?

**Hon. Mr. Patten:** As I think the member has, I have heard many constituents in my community identify the environment as a major concern and how that is applied to the daily activity of government. In fact, parenthetically, I am planning to organize a workshop in my own riding. Having asked my officials this particular question, I would expect that early in the new year, perhaps in January or February, we would be able to come forward with recommendations for some changes to our procurement policies so that they may be far more environmentally sensitive than they are now.

#### CORONER'S INQUEST

**Mr. D. S. Cooke:** I have a question for the Solicitor General. Last week in the House, with regard to the Bastien case, the Solicitor General said, "As I understand it, the difference between the section 58 that the member uses and the section 59 that I would be using" is that under order in council of the Lieutenant Governor, this section would give broad definition to the inquiry being held by the Ontario Police Commission.

Clearly, last week, the minister was saying the inquiry into the Bastien case was being called under section 59 of the Police Act. If that is the case, I would like to ask the minister why it is that Mr. Drinkwater, the chairman of Ontario Police Commission, in an interview with the Windsor Star, said that it was being called under section 58, and then this morning when I spoke to him, he said it was being called under section 11, under regulation 790 of the Ontario Police Act, and as of today, there has still been no order in council passed; so even if it is under section 59, as the Solicitor General announced last week, there is no order in council, and the chairman of the Ontario Police Commission has no idea under

which section of the Police Act he is proceeding for this inquiry.

**Hon. Mrs. Smith:** It is certainly my understanding—and I do not intend to get into a legal play on words here—that the issue is fundamentally being dealt with under section 59, as I indicated. It is my understanding it also involves the section mentioned, section 11. When I was instructed originally about the numbers, both numbers were used, but 59 is what I had heard. I think the actual numbers do relate to two other similar sections, 58 and 59. Section 59, as I indicated, is broader in scope, dealing with matters related to the Ontario Police Commission that deal in a general way, whereas under section 58 it deals more specifically with problems of a municipality or of the OPC relating to a municipality, and tends to be something requested often by the municipality in reporting back to it.

Section 59 is the section involved here. It will be by order in council and will be acted on in that way and reporting back to the Lieutenant Governor in Council as required under section 59.

1440

**Mr. D. S. Cooke:** I can only say that this matter has been handled by the minister in the most incompetent fashion possible in the last several months—absolutely incompetent.

Last week, when the minister made her announcement, she had no idea which section she was calling it under. We had to ask her. When is the order in council going to be passed, what is the scope of this inquiry going to be; and can she answer the question that I asked Mr. Drinkwater this morning—will there be public hearings? This morning when I asked him, he said, "There has been no decision on public hearings." If there are no public hearings on this matter, if it is not going to be handled and defined by order in council, then last week was a hoax and the incompetence continues.

**Hon. Mrs. Smith:** I wish to be very clear. When I stood up and made my announcement last week, I noted that the member of the opposition rushed over to the library behind the throne, came up with the book and the section involved. When he used the term "58," I was surprised and checked indeed to make sure that I had not made an error. It turned out I had not. It was 59, as I had announced. He had the book in front of him and got the wrong number. I cannot help that.

Interjections.



**Mr. B. Rae:** You didn't tell us which section of the act. You didn't say anything about it. You didn't say whether it was a public hearing.

**Hon. Mrs. Smith:** With regard to whether there will be public hearings or not, once again, I am not about to get into a battle around words. I have assured the public that the whole matter will be aired in public with public input. I am not going to argue about the precise wording of the terms of reference until we present them to the members.

### TRANSIT SERVICES

**Mr. Cousens:** A question for the Minister of Transportation. Is it the minister's intention to institute parking fees for the 19,000 Go Transit parking spaces in Ontario?

**Hon. Mr. Fulton:** The member will be aware that I had stated earlier that indeed we have become a very large parking operator. He is, I am sure, quoting from a report from the press recently where the regional chairman of Halton made reference to that. It is something that has not been discussed in my office.

**Mr. Cousens:** Maybe this gives us a chance to have the minister go on record. Certainly, the 19,000 spaces are insufficient to meet the needs of the people who need Go Transit. We need more transit services. We need to have more support from the government for the people to get them off the roads and on to public transit. What I would like to ask the minister is if he can give us his commitment today in the Legislature that he will fight to make sure that there is no charge for parking spaces in Ontario for Go Transit spaces.

**Hon. Mr. Fulton:** I do not know whether the member comes to this House by his large car or by transit. I would certainly like to find that out. I really have to—

**Mr. Cousens:** I don't fly on a broom.

**Hon. Mr. Sorbara:** He arrived on his broom this morning.

Interjections

**Mr. Speaker:** Order.

**Hon. Mr. Fulton:** I sometimes have to take the member's questions as if they are addressed to me with his tongue in his cheek, considering that in the short time that he was a member of the previous government, the only decision they made with respect to transit provisions for this province was to cancel the Go advanced light rail transit.

**Hon. Mr. Elston:** Oh no, shame.

**Hon. Mr. Bradley:** Oh no, shame.

**Mr. Farnan:** Ask Mr. McCague behind you.

**Mr. Cousens:** I did; you're wrong.

**Mr. Speaker:** Order. New question, the member for St. Catharines-Brock.

### NIAGARA RIVER WATER QUALITY

**Mr. Dietsch:** My question is to the Minister of the Environment. It has been close to two years since the declaration of intent was signed by two United States and two Canadian jurisdictions in regard to the Niagara River toxic management plan. While about 90 per cent of the contaminants originate on the American side of the river, I think it is clear that we on the Canadian side have the responsibility to clean up our own act. Would the minister tell this House what actions have been taken on our side of the river to meet these environmental obligations?

**Hon. Mr. Bradley:** I would be pleased to do so because the member's point is a valid one: Unless we take the appropriate action, we cannot point the finger. Between 1982 and 1986, the reduction was some 60 per cent on our side of the river.

There have been a number of capital projects jointly funded by the Ministry of the Environment of Ontario and the regional municipality of Niagara, including the Niagara Falls sewage treatment plant improvement where we put in \$3.3 million, the Anger sewage treatment plant upgrading where we have \$3.4 million, the expansion of the Welland sewage treatment plant where we put in \$4.8 million, and it goes on. There is a list of a number of projects.

I understand there are at least 19 projects which are currently on the go or recently completed in the regional municipality of Niagara which have contributed to an improvement of the quality of the water which goes into the river. In addition to that, we have imposed control orders on companies that have effluents which head into waterways heading into the Niagara River or the Great Lakes system.

Of course, the municipal-industrial strategy for abatement program will have a measured effect, a very important effect, on this. All of these actions taken together, generally from the Ministry of the Environment, that apply to the whole province and specifically to the Niagara River, have put us in a very strong position to demand equal action from our American friends.

**Mr. Dietsch:** Concerns have been expressed about the rather short list of persistent toxic chemicals to be dealt with on a priority basis. It

started out, I believe, as a list of 10 and has now grown and has been expanded to a list of 15.

Would the minister be prepared to assure this House that just as that list has been enlarged from 10 to 15, expanded by 50 per cent, will it be expanded past that stage and will it include any chemicals that scientists or others may deem appropriate for immediate attention?

**Hon. Mr. Bradley:** The member is correct in saying that initially there were only 10 on that list that were selected as priority pollutants. At that time I expressed concern that it was a very limited number and I wanted to see that list expanded. It has been expanded by some 50 per cent at the present time. That list, of course, includes polyaromatic hydrocarbons, dioxins and polychlorinated biphenyls.

In addition to that, there are some 50 that are on what is called a grey list at the present time, 50 chemicals which are being examined to be put on a list of chemicals to be reduced. The sampling protocols are being developed for those. As the scientists, technical people and others have their input and as protocols are developed for the testing of those, they will then be placed on that priority list.

If anybody knows anything about the Niagara River and particularly the inputs from those toxic waste dumps on the other side, I think it is safe to say that it is a requirement that there be far more than the 10 or 15 we have seen at the present time. That list indeed should be expanded beyond that, and I intend as Minister of the Environment of Ontario to ensure that—

**Mr. Speaker:** Thank you. New question, the member for Hamilton East.

#### WAGE PROTECTION

**Mr. Mackenzie:** I have a question of the Minister of Labour, and it is a serious concern to a number of workers in Ontario. We have two situations. We have 26 workers—ex-employees of Max Security and Investigations, owned at the time by the Tunney brothers, who do the wrestling promotion—who are out of work and who had an order from the employment standards for some \$70,000 owing them issued in August of this year. They are nowhere in receiving that money and most of them are not very highly paid employees.

We have as well the Consolidated-Bathurst plant in Hamilton, which closed five and a half years ago and which four and a half years ago got an order, on the basis of bargaining in bad faith, for an additional \$335,000 to the 177 workers in that plant. Those workers, over one third of

whom are still not working to this day, have never received that money. It is worth well over \$400,000 now with the interest that has accrued to it.

Can the minister tell us what he is doing in the case of these workers who are not getting their money five and a half years later, and about a year or less later, and who are in real need?

1450

**Hon. Mr. Sorbara:** I want to respond first to the question about Max Security and Investigations. My understanding is there is some \$70,000 in unpaid wages and vacation pay and that orders have now been issued by the employment standards branch, but those orders have not yet been complied with. The employment standards branch will continue to go after that employer to recover those moneys on behalf of the employees.

On the matter of Consolidated-Bathurst, I do not have an answer available for the member at this point, but I will provide him with one as soon as possible.

**Mr. Mackenzie:** The minister will know that you cannot eat an order and that the order from the employment standards branch does not mean anything if it cannot collect it. Yet the owners of this company, or the ex-owners of it before they closed it down, are obviously doing quite well.

In the Connie-Bath case, about nine of the workers have died since that plant closed down and it will be their estates, if anything, that will get the money they are due. How many more are going to have to die—it has now been five and a half years they have been without their money—before we get that?

These governments—the minister's and the previous government, I believe—have promised we would get legislation to see that workers could collect money legitimately owed to them, even if Ontario had to take action on its own and not wait for federal changes. Can the minister tell us when we are going to have some action that will give these workers who need that money the money that is due them.

**Hon. Mr. Sorbara:** The member for Hamilton East makes a very good point. Shortly after I assumed responsibility within the Ministry of Labour, I was apprised of relatively high-level negotiations going on across Canada among ministers of labour and my counterpart in the federal government, looking forward to a national wage protection program that would ensure that right across this country we would have a system in place where wages and vacation pay that were owing to workers under circumstances



where a business failed, for one reason or another, insolvency or otherwise, would be paid.

It is to my great disappointment that over the past few months I have heard zero, nothing, from the federal government as to whether it is actually going to implement the program. Notwithstanding that bankruptcy is a federal matter, I agree with my friend the member for Hamilton East that we should not let the clock run much longer before we look at initiatives that would respond at least to the workers in this province. Those are matters I am working on presently.

#### COMPENSATION FOR WITNESSES

**Mr. Wiseman:** I have a question for the Attorney General. Sandra Boyd, a single mother in the town of Smiths Falls, was a witness at a criminal trial in Whitney, Ontario, almost 100 miles from her home. In order to testify, she had to take a day off from work and she forfeited her pay of \$52. In return, she received a cheque for \$6 from the province for being a witness—a measly \$6. She has asked me to return the cheque to the Attorney General, which I will do.

I would like to ask the Attorney General if he feels this is adequate compensation for someone who incurred this significant expense in trying to do her duty to society, bearing in mind that she is a single parent.

**Hon. Mr. Scott:** I think the honourable member's point is a good one. I think some mistake has been made, probably by one of those people the member's government appointed down his way to deal with these things. As the honourable member knows, the regulation fixes a daily fee for attending as witness and provides for a mileage or transportation charge as well.

Based on the facts the honourable member has given me, I believe the cheque should have been for significantly more than the amount the honourable member has referred to. If he would like to return it, I would be delighted to look into it, see what the appropriate compensation is and send it right along to Miss Boyd.

**Mr. Wiseman:** I understand that under the jurisdiction of the federal courts they have amended that payment to witnesses to something more reasonable. I understand from a lawyer in my area that as the Attorney General said, the fee is set through regulation. In fairness to witnesses who come forward to do their duty, I ask him if he will try to put through a change to the regulation to bring it at least equal to the compensation the federal government is paying at the present time.

**Hon. Mr. Scott:** I am very sympathetic to that. The honourable member's leader, of course, is always saying we are spending too much money, but certainly, if the honourable member can persuade his leader we should be spending more money on matters of this type, I would be very delighted to have his support in that major effort.

In so far as this cheque is concerned, it seems to me fairly clear it was erroneously made out. Perhaps the honourable member will return it. He said he would but I do not have it yet.

**Mr. Wiseman:** I have returned it.

**Hon. Mr. Scott:** Ah yes; here it is. "Return to Sender." I thank him. I will look into it and see it gets corrected and sent out as quickly as possible.

#### PROPOSED PULP MILL

**Mr. Wildman:** I have a question of the Minister of Energy. In view of the need to assure proper end use of timber resources in northern Ontario, the announcement that the governments of Alberta and Canada are funding a new experimental pulp mill in the northern part of that province, and in view of the need to process more of our natural resources in the north to diversify the northern economy, will the minister facilitate the establishment of a new chemothermomechanical pulp mill in the Wawa area to process hardwoods, by directing Ontario Hydro to implement the recommendation of the legislative committee to emulate the practice of Hydro-Québec by providing preferential electricity rates in the northern part of this province?

**Hon. Mr. Wong:** I can conceptually answer the honourable member's question by saying that many of the objectives he enunciated are objectives this government would like to see implemented through a vehicle like Ontario Hydro in terms of its supply-side generation policies.

With respect to the specific project the honourable member referred to, I would be more than pleased to have my officials look at the precise facts to determine how we can best co-operate in terms of meeting the objectives of the government and Ontario Hydro.

#### PETITIONS

##### TEACHERS' SUPERANNUATION FUND

**Mr. Cousens:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

"This proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

Mr. Speaker, I present these 533 signatures properly placed before you with the hope that the government will do something about it.

#### CHURCH OF SCIENTOLOGY

**Mr. Faubert:** I have a petition addressed, "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the crown in the province of Ontario continues a lengthy and expensive prosecution against the Church of Scientology; and

"Whereas at no time in recorded history has an entire church been charged with a criminal offence for the actions of individuals, and freedom of religion in the province is at risk; and

"Whereas the alleged offences occurred over a decade ago and those responsible have been expelled from the church or rehabilitated,

"We petition the Attorney General and the government of Ontario to withdraw the charges against the church and end this prosecution."

This petition is signed by some 450 residents and I submit it with the caveat that I will sign this petition, as I am obliged to do, in order to allow the petition to be entered into the record, and for no other reason.

1500

#### RETAIL STORE HOURS

**Mr. Henderson:** "To the Lieutenant Governor and the Legislative Assembly:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas we strongly oppose Sunday openings, we believe that the Ontario government must act to maintain a common pause day."

This petition is signed by about 150 constituents and residents of the Metropolitan Toronto area and by me.

#### CAMPING RESTRICTIONS

**Mr. Pope:** I have a petition to His Honour the Lieutenant Governor of Ontario.

"We, the undersigned, hereby petition the Ministry of Natural Resources to remove all 'No

Camping' signs posted at several locations within the limits of the district of Cochrane. We also petition the ministry to make campsites available in the district without a day limit. As it now stands, 'No Camping' signs have been posted in areas of existing campsites and we feel this is unfair to all taxpayers. Dump sites could be made available at these sites to protect the environment and water source."

This petition is signed by over 200 residents of the communities of Iroquois Falls and Timmins and I have signed it myself. It was delivered by Robert Joanisse, and I support the petition.

#### USE OF LOTTERY PROFITS

**Mr. McClelland:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We agree with the intent of Bill 119, to divert a portion of lottery profits to help with the funding of hospitals, and we respectfully urge the parliament of Ontario to pass this bill into law as soon as possible."

It is signed by 492 residents of the town of Caledon and I have affixed my signature to the petition.

#### TEACHERS' SUPERANNUATION FUND

**Mr. Eves:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

"This proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

This petition is signed by 131 teachers employed by the West Parry Sound Board of Education and I have affixed my signature to it itself.

#### SCHOOL OPENING EXERCISES

**Mr. McLean:** I have a petition signed by 36 parents of children in the Simcoe County Board of Education school system to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.



"We, the undersigned, beg to petition the parliament of Ontario as follows:

"We, the undersigned, are opposed to the use of multifaith prayers and readings in Simcoe County Board of Education schools."

### REPORT BY COMMITTEE

#### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Mr. Furlong from the standing committee on regulations and private bills presented the following report and moved its adoption:

Your committee begs to report the following bills without amendment:

Bill Pr73, An Act to revive George A. McNamara Memorial Foundation;

Bill Pr75, An Act respecting the City of Sault Ste. Marie.

Your committee further recommends that the fees, and the actual cost of printing at all stages and in the annual statutes, be remitted on Bill Pr73, An Act to revive George A. McNamara Memorial Foundation.

Motion agreed to.

### INTRODUCTION OF BILL

#### RYERSON POLYTECHNICAL INSTITUTE AMENDMENT ACT

Hon. Mrs. McLeod moved first reading of Bill 199, An Act to amend the Ryerson Polytechnical Institute Act.

Motion agreed to.

**Mr. Speaker:** The minister may have a brief explanatory note.

**Hon. Mrs. McLeod:** Just a brief introduction: The purpose of the proposed legislation is to amend the Ryerson Polytechnical Institute Act to give Ryerson the authority to grant new baccalaureate degrees consistent with the objects and purposes of the institute.

### ORDERS OF THE DAY

#### THIRD READING

The following bill was given third reading on motion:

Bill 193, An Act to amend the Income Tax Act.

#### PSYCHOLOGISTS REGISTRATION AMENDMENT ACT

Hon. Mrs. Caplan moved second reading of Bill 196, An Act to amend the Psychologists Registration Act.

**Hon. Mrs. Caplan:** I will be brief. I have spoken with the critics from both the opposition parties and explained that the Ontario Board of Examiners in Psychology is responsible for regulating psychologists under the authority of the Psychologists Registration Act, which was originally passed in 1960 and has never been amended.

The act constitutes a board of five members with a quorum of three. This amendment will increase the size of the board to allow due process. It will also include, for the first time, the participation of public members on the board. I will be pleased to answer any questions any members have regarding this particular amendment, which will allow for a discipline hearing to go forward.

This bill is considered by the association to be a housekeeping amendment to allow it to get on with its business as a self-governing profession.

**Mr. D. S. Cooke:** Very briefly, we will be supporting this amendment.

I would not necessarily say this is simply a housekeeping amendment. As described in the compendium of information, the amendment is necessary because there is an emergency situation. One wonders, when we are dealing with these types of legislation regulating the professions and we get into emergencies like this—my understanding is that the first request for this amendment was made in the late 1970s. We are now in the late 1980s and we are finally dealing with an emergency situation. God only knows what would happen if there were a crisis.

However, we will be supporting this because we understand and agree that it is necessary to have additional members to deal with concerns and have a quorum and all the rest of the things that are important. We will be supporting it and at House leaders' meetings we were happy to facilitate this getting on the agenda today.

**Mr. Eves:** Our party as well will be supporting this proposed bill. It basically increases the number of the members of the Ontario Board of Examiners in Psychology and adds three lay people to the board. This bill will allow the Ontario Board of Examiners in Psychology to deal with the growing number of complaints and disciplinary matters.

The current legislation provides for five board members and no committee structure to handle complaints and discipline. As a matter of principle, and in order to ensure due process, complaint and discipline committees hearing the same case should not be composed of the same

members. Currently, the board finds itself in an emergency situation where some major disciplinary hearings cannot proceed because three board members have previous knowledge.

The proposed increase of the board to 10 members, three to be lay members, with a statutory quorum of three, will allow the board to establish a de facto discipline committee. In the current act, there are no lay members. Adding public members to the board will bring the Ontario Board of Examiners in Psychology closer to the model established in the Health Disciplines Act.

We in our party, as I said, support the bill. The Ontario Psychological Association has been pushing for these changes for quite some time, as my colleague in the official opposition has indicated, because of an increasing number of complaints before the board of examiners. The volume of disciplinary cases currently before the board has doubled since 1985.

1510

They had been expecting the proposed new Health Disciplines Act, which is now being developed by the health professions legislation review, to legislate these changes. The fact that the minister has had to introduce these amendments is perhaps an indication that there are indeed problems being experienced by the health professions legislation review. Notwithstanding that fact, we feel that these changes are necessary at this time and we are in full support of them.

**Hon. Mrs. Caplan:** I would like to thank the members of the opposition and members of this House and the opposition House leaders who have made it possible for this bill to proceed.

The critic for the third party referred to the health professions legislation review, which has been ongoing for some five years. I am hopeful that we will soon have the report of that task force and that we will then begin the legislative process. But because that is sometimes a lengthy process, the urgency of the situation arising for psychology is such that I felt it was wise to bring forward this amendment to allow for discipline hearings to proceed. As far as I am concerned, this is a matter of protection of the public and in the public interest.

I would like to express my thanks to members of the Legislature.

Motion agreed to.

Bill ordered for third reading.

## SOUTH AFRICAN TRUST INVESTMENTS ACT

### LOI SUR LES PLACEMENTS SUD-AFRICAINS DÉTENUS EN FIDUCIE

Mr. Offer moved, on behalf of Hon. Mr. Scott, second reading of Bill 9, An Act permitting Trustees and other Persons to dispose of South African investments.

M. Offer, en l'absence de l'hon. M. Scott, propose la deuxième lecture du projet de loi 9, Loi permettant aux fiduciaires et à d'autres personnes d'aliéner les placements sud-africains.

**Mr. Offer:** Today, in the absence of the Attorney General (Mr. Scott), I am presenting for second reading the South African Trust Investments Act. Many people, including members of this House, have expressed concern that despite the nature of the government in South Africa, a large number of corporations incorporated or managed outside that country have subsidiaries there or carry on business there.

These companies are seen as directly or indirectly supporting South African government policies since they contribute in some measure to the economic prosperity of the country, to the benefit largely of the white minority. As a result, many people in Canada believe these companies should stop doing business in South Africa.

Many have already accepted for themselves a policy of divestment. That is a policy by which shares in South African companies or companies doing business there are disposed of. Many institutional investors, such as pension funds, have expressed to government their desire to participate in a voluntary program of divestment of assets relating to South Africa.

The problem is that these investors face a legal barrier to divestment, and that is the law of trusts. The law now imposes a legal obligation on trustees to maximize the economic return to the fund. Buying and selling on moral or political grounds is forbidden by law if this reduces the profitability of the investment portfolio.

The purpose of this bill, I believe the first of its type in Canada, is to permit the divestment of trust assets on the grounds I have set out. It is an option that, under the bill, will be opened to a wide number of trusts, charities and pension funds in Canada, whereby the beneficiaries and trustees of those funds can express in a voluntary way their disapproval of the policy of apartheid in South Africa.

The government does not wish to impose on the people of Ontario one view of how to contribute to a solution of the deplorable problem



in South Africa. The bill does not compel divestment; neither does it allow the trustees on their own to be moral at the expense of investments held for the beneficiaries, for it is not the trustees' money here. Therefore, the consent of the beneficiaries is required for a divestment policy. However, we do wish to respond to what we believe is a clearly felt desire by a number of trusts to take this kind of action with the full accord of the beneficiaries.

Honourable members may be interested to know that our bill goes well beyond many statutes with a similar purpose in the United States in that it applies to trusts in the private sector, and not only those that invest public money. It also applies to pension funds that are, legally speaking, not trusts but corporations. Likewise, charitable organizations and foundations are empowered to divest, whether or not they are trusts.

For these reasons, I invite the House to let all these organizations express their views without the impediment that has up to now prevented many of them from doing so.

**Mr. Hampton:** This is an important bill. We want to acknowledge that. It is an important bill, given the climate in terms of human rights around the world. We are glad that the government has finally spoken on this issue, although it has taken it some time.

We intend to support this bill in general, although not because we are happy with it. In fact, if I may say, we have significant displeasure with it. However, it having taken the government this long to get this far, we realize it is very likely that no matter how much we might protest, no matter how much we might want to move the government to go further, it is very unlikely that it will go further. So we will support the bill.

However, we think the government has taken the weakest way out. The government could have brought in a much stronger bill. The government could have made a more forthright, a more direct, a more persuasive statement through this bill than it has chosen to do. We are disappointed about that. However, we recognize that the government has an overwhelming majority and we recognize we cannot fight it to the wall on every issue.

So in this case we will propose—and I will be showing my amendment to the parliamentary assistant a little later on—one amendment to the bill in the hope that the government will recognize the wisdom of our amendment and will go along with it. I will be getting to that in a moment.

I want to make some comments just generally about this bill and generally about the situation in which it presents itself. I said moments ago that I thought the government was taking the easy way out, was making a weak statement, was doing as little as it could in this area. I want to refer to some of the documents that provide the history on this, just to back up my position.

Someone was kind enough to turn over to us a cabinet submission given back in 1986, where all of the issues are canvassed. It was submitted to cabinet by the Ministry of the Attorney General, the Ministry of Industry, Trade and Technology and, if I am not mistaken, the Ministry of Intergovernmental Affairs and one other ministry as well. It canvasses at some length the government's options in this area. It goes through at some length what some other jurisdictions have done and what could have been done by the government.

#### 1520

Let me just peruse some of those things. The parliamentary assistant has said what the bill is about. The bill provides for voluntary divestment by public and private trusts, public and private pension funds and so on. Basically, it says trustees are not liable for monetary consequences of such divestment decisions provided they have obtained majority approval or, in some cases, have reason to believe that they have majority approval.

What that does not do is require even this government to divest. It does not even require this government to sit down and say, "We are going to divest X, Y and Z." As the parliamentary assistant knows, the government has control over or has a part in some investments that continue in South Africa, and the government is in a position where it could make a direct statement on these.

If this legislation provided for mandatory divestment, if this legislation said there shall be mandatory divestment of pension and investment funds in South Africa, the government itself would be mandated to divest. I suppose the government might have to make some difficult decisions, but it would place the onus on the government to divest immediately some of the holdings or trusts or pension funds that have South African investments.

That would be a wonderful indicator to the private sector of where Ontario stands, but sadly, the government of Ontario has chosen not to do that. It has chosen not to go the mandatory divestment route, and I am very sad that it has



chosen the weak route that it has and very sorry about the consequences that will flow from that.

There is much more that the government could have done. If divestment were mandatory, for example, I suggest that the government would then have to define clearly the South African investments which trusts are required to sell and avoid. The government would then become involved in saying to banks, investment institutions and corporations: "Look, these are investment funds, These are trust funds; these are business opportunities you should avoid." I think that would be a wonderful statement for this government to make. It would be a wonderful statement for Ontario to make.

Likewise, if divestment were mandatory, we would not have to worry about getting the consent of beneficiaries. Clearly, from the parliamentary assistant's statement, he is concerned about that. He is concerned that we go through the process of getting the consent of beneficiaries.

Well, let's just look at that for a minute. I will concede just for a moment what the government's concern appears to be. It does not want to appear to be intruding on or interfering with what it would term the legitimate business decisions of a trust fund, pension fund or investment fund. But I want to say to the government that if ever there was a case, if ever there was a time to interfere with, to give some direction on so-called legitimate business investments, pension investments and trust investments, now is the time. This is the time. This is the place to do it. If ever there was a time, this is it.

It would be a wonderful statement, again, for Ontario to make in terms of the direction it would give to the private sector, the example it would set for the private sector, a wonderful example it would set for the federal government, a wonderful example it would set for all the other provincial governments in the land. It would be a very good day, because really what the government has said in its position is that some very important, very basic human rights, which too many of us pay lipservice to, are once again going to get second consideration to how much interest someone is going to earn, to someone's property.

Property rights and money in this most basic of all human rights situations are going to come first and foremost among human rights. When you have boiled down all of the wordage, that is what comes out of the government's statement. We have to go through the delicate and difficult operation of finding out, in some cases, who the

beneficiaries are and securing their agreement before someone's basic human rights can be recognized. In the contest between property rights and human rights, in this government's eyes property rights have won out again.

So divestment is optional. The trustees cannot make individual decisions about the extent of divestment. They have to obtain permission and they have to ensure that the people who are beneficiaries or hold an interest in the investment fund also agree that human rights should come before property rights. That is not going to happen here.

Some very worthwhile comparisons can be made. The parliamentary assistant said that the bill that has been presented compares very favourably with United States jurisdictions and jurisdictions elsewhere. Perhaps it does in some respects, but in other respects it pales in comparison; it is sad in comparison. Let me briefly refer to some American jurisdictions.

About 20 states and 80 cities in the United States have passed laws requiring divestiture of stock in companies doing business in South Africa or prohibiting state and local governments from giving contracts to such US companies. According to the United States voluntary body, the Investor Responsibility Research Center, some states have required that no public funds be invested in companies that do business in South Africa unless those companies comply with certain guidelines: equal wages and open promotion policies for all races.

I suggest that if the government had looked carefully at what some of these US states and cities have done, it would have had a model. I do not suggest it has to adopt every letter from A to Z of what has been done by US states and some US cities, but I think the government would have found some very good models which it could have used to do more and to give a better statement to the world, the private sector in Ontario, the federal government and all the other provincial governments in Canada.

Let me just give another example: the state of California. A California bill requires divestment of shares in companies doing business in South Africa by the public employees' retirement system. In other words, California has come out and said: "Any pension fund or any retirement fund that the state of California has some control over or some input in, divest. Even if we lose money, we divest. Human rights in South Africa are more important than the money we may lose on the divestment."



They have said that the public employees' retirement system must divest; they have said that the state teachers' retirement system must divest, and they have said that the University of California's investment fund must divest. In American dollar terms, those funds in California amount to about \$11 billion of investments in companies doing business in South Africa. They have made a statement which counts. How pale is our statement in comparison.

**1530**

The California bill is even more specific than that because it says beginning January 1, 1988, until January 1, 1991, state trust funds must divest annually of one third of each of their investments in companies doing business in South Africa. The bill indemnifies trustees from claims and judgements that may arise from divesting.

I want to say to the parliamentary assistant to the Attorney General and to the government that all of these models were out there for them. They could have looked at all of them. They could have picked and chosen. They did not even have to go all the way. There were models out there that would have allowed them, as California has done, to require divestment of one third of the remaining divestment each year. They could have done that, but they have not.

I merely want to say again that we have an Ontario Human Rights Commission; we have ministers of Citizenship and Culture; we have the Attorney General in charge of law enforcement. We attend many of these conferences. We claim to support multiculturalism; we claim to support basic human rights. But when the test comes, when the time comes to put words into action, Ontario fails miserably. That is a very weak statement. It is not a statement that Ontario can be proud of and it is not a statement that this government can be proud of. In fact, it has probably done next to the least that it could do. It probably picked the option of the lowest common denominator.

We recognize that the government has an overwhelming majority. We recognize that we could try to delay this as long as possible. We could argue and fight about this. We wish the government had done so much more. We will support the bill, but we will put in an amendment which we hope will go some way towards pushing them a little further in making a little better statement than it has made here in this bill.

We are not proud of this bill by any means, but it is a step in the right direction. We recognize that this is indeed a Liberal government. Liberals

move slowly in terms of progress; one has to pull them along, so we will try to pull them along as fast as we can here. But while we do it, we say, "Shame on you for putting property rights in front of basic human rights at this time when you had the opportunity to do more."

**Mr. Farnan:** I would like to rise and acknowledge the fine speech that this House has just heard from the member for Rainy River on an issue that is extremely important. The member has very clearly outlined the range of possibilities that the government had in bringing forward this legislation and its failure to take any meaningful action.

I would make one simple statement to the government House leader, who is engrossed in a private chat while this important bill is going through. What kind of message does this kind of lukewarm legislation give to, let's say, our children as our children look at this House and ask, "What kinds of principles does this government work on?" I think we have to say that we have given our children today a message that is unworthy.

Human rights have to be predominant and human rights are not protected by either silence or apathy. I look upon this particular piece of legislation as apathy. It is apathetic. Basically, as my friend asks, how long must we push a Liberal government before it is prepared to take a reasonable stand on this particular issue?

I know some of the members of the government party, such as Mr. Velshi, have spoken in the House on this issue. I have to admire the stand Mr. Velshi has taken. It must be an extreme embarrassment to the member for Don Mills (Mr. Velshi) to sit there with this piece of legislation. I hope there is a vote on this piece of legislation in order that Mr. Velshi can record his dissent.

**Mr. Sola:** I would just like to respond. I do not think this government has to take a back seat to any government in the world when it comes to respecting human rights or when it comes to multiculturalism. The comments of the opposition just show how myopic they are and how narrow-minded that they only believe in mandating—

**Mr. Pouliot:** You are pathetic. These are people of vision.

**Mr. Reycraft:** He doesn't disagree; it is a myopic vision.

**Mr. Sola:** I think it is a myopic vision. The members opposite just seem to think in terms of dictating to other people. This government has



shown that we believe in democracy. We show the way, but we also allow people to make up their own minds.

I think this bill may not be strong enough to suit some people. As far as I am concerned, it is not strong enough in one way, in the fact that there are other regimes that have equal disregard for human rights that we should also be focusing on, not just the one regime.

I support the bill and I support strong measures against South Africa, but I resent the statements made by the opposition that this government is very soft on abuse of human rights because I think this government has shown that it is at the forefront in the world, not just in Canada, in regard to protection of human rights.

**Mr. Hampton:** I thank my colleague the member for Cambridge (Mr. Farnan) for his comments. I wish to respond to the government members by saying only this: If the members care to look at their own cabinet document that was placed before the government, it sets out all of the options. It sets out how far the state of California went. It sets out how some other American states and US cities have gone. It sets these out.

If the members want to look at their own cabinet document and then see how little the government has done here with how much it could have done with the models that were available from other states and other cities in the United States, they will see very clearly what a weak statement this is on behalf of the government of Ontario. It really adds very little to a generous and basic statement on human rights.

**1540**

I see that Mr. Velshi is here. He must not be very happy with what the government has produced. I think he would have liked to have seen a lot more than what this government has produced. I repeat my statement: There was a lot more there the government could have done, but the government has chosen the easy way out, the lowest-common-denominator way out. I am sad to see it has done that and I would implore the government to go the extra steps further, to really make a meaningful statement on this important issue.

**The Deputy Speaker:** Before we proceed with the next speaker, may I remind members that parliamentary tradition requires that you refer to the members by their riding names as opposed to their family names.

**Mr. Eves:** We rise to support the proposed legislation.

This bill would allow trustees of trusts and persons responsible for managing and investing the assets of registered charities and pension funds to dispose of South African investments without committing a breach of duty, even if the value of the property they manage decreases as a result.

Trustees and persons responsible for pension funds would be required under this bill, before they dispose of a South African investment, to obtain the consent of a majority of identifiable beneficiaries, if there are not more than 100, or satisfy themselves that a majority of the identifiable beneficiaries would consent if there are more than 100.

Under present law, these persons have a duty to invest the property they manage in reasonable and proper investments without consideration of moral issues. This has caused a great deal of problems for many, including but not limited to university campuses and within unions where funds have been invested in South Africa in the past. Although many wish now to dispose of those investments on moral grounds, they are prevented by law from doing so.

I think this is an indication of this provincial Legislature's support of the federal government's economic boycott of South Africa and I think members of the House should support the legislation.

**Mr. Sola:** I would like to commend the member opposite for the positive approach he has taken to this legislation and I would just like to say that I agree with his viewpoint.

**Mr. Offer:** It is a pleasure for me to wind up this debate.

First, may I agree with the member for Rainy River (Mr. Hampton) and the member for Parry Sound (Mr. Eves) that this is an important bill and an important step. Where I would like to disagree with the member for Rainy River, if I may, is that it is not this government's first step.

This legislation adds to other actions that this government has taken with respect to South Africa. For instance, Mr. Speaker, you are aware of the actions of this government in wine sales, in rules for government purchases, in an increasing demonstration of this government's views on the racial policies of the Republic of South Africa.

This particular legislation is important in that it removes a legal barrier in the law of trusts that has prevented people responsible for investing money on behalf of others from disposing of investments in companies doing business in South Africa.



I listened carefully to the comments of all members and I thank them for their support of this legislation.

I think it must be put on the record that when the member for Rainy River talks about other jurisdictions, particularly in the United States, it must be stated that those pieces of legislation apply only to the public type of funds. This legislation goes further in that it applies not only to the public source but also to the private source.

By this legislation, we are trying as best as possible to persuade businesses with subsidiaries or operations in South Africa to break those links. We believe there is a substantial body of opinion that is urging—and I believe all members of this House urge in one voice—the breaking of those links.

However, we have to make certain that the law of trusts does not impose a penalty on those charged with the duty of looking after the trusts, that they will not contravene the law of trusts. This bill removes that legal barrier. This bill solves that problem. This bill provides, as has been stated, that there will not be any breach of any legal duty by trustees in selling or refusing to buy South African investments, even if their action results in a loss to the trust.

Finally, this bill applies to all trusts, charities and pension funds. This is a very large step forward, and maybe more important, it is another step that this government has taken with respect to its position and its opinion on South African policies.

Motion agreed to.

La motion est adoptée.

Bill ordered for committee of the whole House.

Le projet de loi est déferé au comité plénier de la Chambre.

House in committee of the whole.

La Chambre en comité plénier.

#### SOUTH AFRICAN TRUST INVESTMENTS ACT

#### LOI SUR LES PLACEMENTS SUD-AFRICAINS DÉTENUS EN FIDUCIE

Consideration of Bill 9, An Act permitting Trustees and other Persons to dispose of South African investments.

Étude du projet de loi 9, Loi permettant aux fiduciaires et à d'autres personnes d'aliéner les placements sud-africains.

**The Deputy Chairman:** Are there any comments, questions or amendments to any section

of this bill? The member for Rainy River—with section numbers, please.

**Mr. Hampton:** I want to move an amendment to subsection 4(2) of the bill.

**The Deputy Chairman:** Are there any other proposed amendments to this bill? There are no others.

Shall sections 1 to 3 of the bill carry?

Sections 1 to 3, inclusive, agreed to.

Les articles 1 à 3, inclusivement, sont adoptés.

Section/article 4:

**The Deputy Chairman:** Shall subsection 4(1) carry? Carried.

Mr. Hampton moves that subsection 4(2) of the bill be struck out and the following substituted therefor:

“If there are no more than 100 identifiable beneficiaries of a trust or pension fund, section 3 applies only if the trustee gives written notice to the identifiable beneficiaries of the proposed transaction and the trustee does not receive, within 60 days after giving the written notice, notice of opposition to the transaction from a majority of identifiable beneficiaries whose combined beneficial interest in the trust or pension fund comprises more than 50 per cent of its assets.”

1550

**Mr. Hampton:** The reason for this amendment is that if you read through subsection 4(2) of the bill, in our view the way it is written now would probably provide or result in a significant obstacle to divestment. Subsection 2 as it is worded means the manager of a trust or a pension fund would have to get the consent of a majority of the 100 identifiable beneficiaries and they would have to hold more than 50 per cent of the trust fund or pension fund assets. In other words, he would have to go out and actively get their consent.

That could provide a mechanism for a roadblock whereby consent could be held back for quite a long period of time. Just in the process of getting consent for the divestment, months or years could pass. The intent of the amendment we have proposed is much like the argument that has often occurred in the trade union movement. I believe it is an argument occurring right now with respect to the Minister of Agriculture and Food (Mr. Riddell). It is the opting-in or opting-out type of situation.

What we would like to see in subsection 4(2) and what we intend by our amendment is to have a situation whereby once the manager gives written notice, if you have a situation where there

are 100 identifiable beneficiaries and no more, if he does not hear a negative answer from a majority of the identifiable beneficiaries within 60 days, then he can divest. It streamlines the period and it streamlines the process a great deal.

I have already said we do not think it goes far enough. I have already said we think it should have gone a lot further in terms of its basic principles, but we will accept the government's basic principle. In my view, if the government wants to give effect to this legislation and if it wants to make its basic principle more effective in terms of a time line, more effective in terms of process, then we urge the government to adopt this process.

If you do not hear back within 60 days from a majority of the identifiable beneficiaries whose interest comprises more than 50 per cent of the pension fund or the investment fund, if you do not get a negative answer from them within 60 days, you are free to divest. We think it makes eminent good sense to do it that way.

I say again, if the government does not have this kind of procedure in subsection 4(2), it invites the kind of system, the kind of process whereby years can go by and a long, lengthy, difficult lobbying persuasion process has to be engaged in before divestment can take place. As I have said, we think that the way subsection 4(2) is worded at this time really could provide a very strong roadblock to divestment. It provides the kind of convenient wording, the kind of convenient mumbo-jumbo that effectively makes divestment in these circumstances very difficult to achieve.

If the government wants to give effect to the principle it has tried to embody, if it wants to make that process meaningful, we urge the government to get rid of the wording that is there and adopt a process whereby if the identifiable beneficiaries do not actively say, "We don't want divestment," then the manager of the trust fund can divest.

Just for a minute, let me go into the difference in the two situations in the real world. If the government follows the amendment we would like, it would provide a mechanism whereby those people who do not want divestment, those institutions that do not want divestment, may have to identify themselves. They have to make a statement. They have to say, "No, we don't want divestment."

I say to the minister that if there is a pension fund out there, if there is a corporation out there, if there are interests out there that are saying "no" to divestment, I think it is only good and proper

they should have to make that public statement so those people in our society who really are concerned about human rights will be able to go to them and say: "Why did you do this? Why did you actively take the step of opposing divestment?"

The amendment we have put in really requires someone who opposes divestment to take that active step. If they do not oppose divestment, if they want divestment, all they have to do is sit there and say nothing and divestment will occur.

I say to the government that if it really wants to give effect to the principles of its own bill, it should adopt this process and make those who oppose divestment in South Africa stand up and identify themselves.

If the government adopts this process, it will have done a very good thing. It will have taken a very progressive step. It will have provided the enabling mechanism for its own principles to take effect. I urge all members of the House to consider this. I urge the parliamentary assistant to the Attorney General to consider it very carefully, because as I say, it merely gives greater effect, quicker effect, to the principle he has already sought to embody in this legislation.

**Mr. Offer:** It is a pleasure for me to rise in response to the member for Rainy River, in particular with respect to the amendment he has brought forward to subsection 4(2).

I would like to state at the outset that we believe this bill is one that is important. We believe it is an important step forward. We believe it is an additional step this government has taken with a view to expressing its position against South African policy.

We understand very well what the member for Rainy River has indicated in his amendment. I will use this time just to bring to light some of the points he has made.

It is my understanding that if there are no more than 100 beneficiaries of a trust, then the trustee need only give written notice of his or her intention that he or she is going to divest or take advantage of section 3 of this legislation, and if after giving such written notice he or she does not receive greater than 50 per cent objection, then the trustee is free to divest of that particular matter without—

**Mr. Hampton:** Without consent? It says now they have to consent to—

**Mr. Offer:** The member for Rainy River is saying that the wording of the act says they must consent. To be clear, I am reading from the member for Rainy River's amendment.



**Mr. Hampton:** Okay; I apologize.

**Mr. Offer:** Apology accepted.

Basically, he is stating that if the trustee does not receive objection to that intent to divest by greater than the "majority of identifiable beneficiaries whose combined beneficial interest in the trust or pension fund comprises more than 50 per cent of its assets," then the trustee is free to take advantage of section 3 of the act; in other words, to divest.

1600

I have absolutely no objection to that amendment. It is my intent to support that amendment. We understand that with respect to this whole question, there are going to be issues that trustees are going to have to come to grips with. They are going to have to come to grips with what stocks to divest and the timing of divestment. They are going to have to come to grips with the amount of South African connection needed to justify that divestment. They are going to have to come to grips with the best way to approach the beneficiaries for their consent. I have no doubt there are other issues that the particular trustees will have to come to grips with.

I feel the amendment moved by the member for Rainy River goes forward in taking out of consideration one of the issues the trustee would otherwise have to come to grips with, that being how to get in touch with and acquire consent for those beneficiaries.

It is my intent that I will support the amendment to subsection 4(2) and ask all members of the House to join with me.

**Mr. Eves:** We also have no difficulty with the amendment proposed by the member for Rainy River. It will help somewhat to streamline the process and the procedure. We will be glad to support it as well.

**Mr. Farnan:** It is always a pleasure to be present when a member with a fine legal mind brings his skills to address, clarify and refine a fine legal point. Such an individual is the member for Rainy River. His contribution results in a better, more understandable, more precise and more effective piece of legislation. I can see why the member for Rainy River is going to make an outstanding Attorney General when the New Democrats form the next government.

I obviously support the very excellent amendment that streamlines the divestment procedures contained in the bill. The quality of the contribution of my colleague the member for Rainy River is reflected in the fact that the government sees the logic of the position he puts

forward and asked for agreement of the House. I commend the government for reflecting my colleague's expertise and abilities, and I can see this amendment now passing unanimously.

**Mr. J. B. Nixon:** I do not take issue with the quality of mind of the member for Rainy River or with his perspicacity or legal training, but I would point out to the member for Cambridge that I think the grounds upon which the third party and this government support the amendment is that it will streamline the decision-making and facilitate a resolution of an issue that might drag on for years and years, not on the grounds, as suggested by the member for Rainy River, that what we now have is an opportunity to force the opponents of apartheid to stand up so that they can be publicly identified and publicly pilloried from post to post. That is a distinction that I think is important.

Motion agreed to.

Section 4, as amended, agreed to.

L'article 4, modifié, est adopté.

Sections 5 and 6 agreed to.

Les articles 5 et 6 sont adoptés.

**Mr. Offer:** On a point of clarification, Mr. Chairman: Have we called subsections 4(3) and 4(4)?

**The Deputy Chairman:** Yes. We did those prior to consideration of the amendment.

**Mr. Offer:** I do not think we did. My recollection is that we asked for subsection 4(1) and then we went to subsection 4(2). If it is the ruling of the chair that we have done subsections 4(3) and 4(4), so be it, but my recollection is that we have not.

**The Deputy Chairman:** I asked for the vote and we voted on the motion whether or not section 4, as amended, would carry, and section 4, as amended, includes subsections 4(2), 4(3) and 4(4).

Bill, as amended, ordered to be reported.

Le projet de loi, modifié, devra faire l'objet d'un rapport.

On motion by Hon. Mr. Conway, the committee of the whole House reported one bill with certain amendments.

À la suite d'une motion présentée par l'hon. M. Conway, le comité plénier de la Chambre fait rapport d'un projet de loi avec certains amendements.

#### COURTS OF JUSTICE AMENDMENT ACT

Mr. Offer moved, on behalf of Hon. Mr. Scott, second reading of Bill 150, An Act to amend the Courts of Justice Act, 1984.

**Mr. Offer:** As the Attorney General indicated when this bill was introduced, its purpose is to allow journalists to use tape recordings in courtrooms as a means of assisting them in taking notes.

The idea for this amendment came from the Canadian Daily Newspaper Publishers Association. They were concerned about a study that indicated significant problems with the accuracy of quotations in the news coverage of court proceedings. They recommended that journalists be permitted to use tape recorders in courtrooms to assist them in taking notes as a means of improving the accuracy of their reporting. The recordings would not be broadcast.

The suggestion has received the support of the Ontario Courts Advisory Council, the Bench and Bar Council and the Ontario Court of Appeal. This legislation will assist in improving the accuracy of the news coverage given to court proceedings, and I ask all members to join with me in the passage of this bill.

1610

**Mr. Hampton:** In the brief period when I was a practising lawyer—and I have to admit I was a practising lawyer for only about three or four years—I wish somebody had paid me \$10 for every time a newspaper or radio reporter had misquoted and misreported what happened in a given trial or in a given hearing. I wish that all of those people who had their reputations injured, or who had something misspoken about them by the press in terms of their reporting of a trial or a hearing, had similar compensation for what took place.

I can only say it is about time that modern technology of this type—I guess it is not even modern technology now; I guess you could call it almost ancient technology in terms of how long recording devices have been around—it is about time that this sort of sound reproduction technology was made available to the courts to provide for more accurate reporting of what is happening.

While the press says that freedom of the press must always be recognized, that the freedom of the press to report on what is going on must be one of the paramount values in our society, it is indeed frustrating when one repeatedly sees activities that go on in the court being misreported or misrepresented in the press. When one asked the question “How did this happen?” too often the answer came back, “Well, I was trying to take the best notes I could, but things were happening so quickly that I guess I didn’t get it all down right.” That excuse should now be by the wayside. As a result of this, we should have

accurate reporting, or at least no excuse for inaccurate reporting, of what happens in our courts and in our administrative tribunals, where this sort of sound recording has not been permitted in the past.

I commend the parliamentary assistant for bringing this forward. I can only ask, why did he not bring this forward in the first six months of minority government? It was obvious then; he should have brought it forward then. It is long overdue. In any case, I commend him for bringing it forward. It is about time and, I say again, I hope that it does result in accurate reporting of what happens in the courtrooms of Ontario from now on.

**Mr. Eves:** The bill would allow journalists to use tape recorders in court rather than take notes. The tapes could be used only for notetaking and not for broadcast or reproduction. I think this is a long-overdue concept and should be supported.

A 1986 study of the accuracy of quotations used by 10 newspaper reporters who covered the 15 days of the Colin Thatcher murder trial in Saskatchewan, for example, found that between 45 per cent and 72 per cent of the quotations contained nontrivial errors. In other words, approximately half the quotations contained errors that distorted meaning.

The use of tape recorders would greatly improve the accuracy of quotations. The Supreme Court of Canada permits such use, and the Ontario Courts Advisory Council and the Zuber report have endorsed such use. We will be supporting this legislation.

**Mr. Offer:** Let me first thank the honourable member for Rainy River (Mr. Hampton) and the honourable member for Parry Sound (Mr. Eves) for their support of this legislation.

The bill is not terribly lengthy in pages or sections, but it is extremely important in making certain that there is an accuracy in the reporting of court trials. This particular legislation is a fundamental step forward in making certain that that accuracy is available to all media. I thank the members for their comments and I urge all members to support this legislation.

Motion agreed to.

Bill ordered for third reading.

#### INTERVENOR FUNDING PROJECT ACT LOI SUR LE PROJET D'AIDE FINANCIÈRE AUX INTERVENANTS

Mr. Offer moved, on behalf of Hon. Mr. Scott, second reading of Bill 174, An Act for the establishment and conduct of a project to provide



funding to intervenors in proceedings before a joint board under the Consolidated Hearings Act, 1981 and before the Ontario Energy Board and the Environmental Assessment Board and to provide for certain matters in relation to costs before those boards.

M. Offer, en l'absence de l'hon. M. Scott, propose la deuxième lecture du projet de loi 174, Loi concernant la mise sur pied et la direction d'un projet visant à fournir une aide financière aux intervenants dans des affaires instruites devant une commission mixte créée en vertu de la Loi de 1981 sur la jonction des audiences, devant la Commission de l'énergie de l'Ontario et devant la Commission des évaluations environnementales et visant certaines questions relatives aux dépens adjugés par ces commissions.

**Mr. Offer:** This Intervenor Funding Project Act was drafted in recognition of the need for a regularized system to provide for the funding of interveners before administrative tribunals. In particular, public interest interveners often find it difficult to mount effective intervention in the absence of financial assistance.

The Ministry of the Attorney General views the provision of such funding as an important component of an accessible justice system. The act creates a three-year pilot project which provides for funding of interveners before the Environmental Assessment Board, the Ontario Energy Board and the joint board, the latter in respect of matters over which the Environmental Assessment Board would normally have jurisdiction.

Under the scheme in the act, the proponent of the matter before the board would pay the costs of funding. An intervenor would be eligible for funding in relation to cases which affect a significant segment of the public and which affect a matter of public interest.

A funding panel of the board will assess the intervenor's application for funds based on a number of criteria, including whether the intervenor has tried to raise funds elsewhere and whether it has an established record of concern for the issue. The board will also set terms and conditions for the funding.

Finally, the legislation also broadens the authority of the affected boards to make costs awards beyond traditional court-based criteria to more accurately reflect the nature of the administrative hearing process. The Environmental Assessment Board will, for the first time, also have this authority to make costs awards.

Since the introduction of this bill in June 1988, the Ministry of the Attorney General has

consulted extensively with affected individuals and groups both within and among the public and, as a result, will be proposing several amendments which reflect the results of this consultation. I have shared these amendments with my colleagues of both parties.

We are confident that the act will greatly assist the participation of interveners before the affected boards.

**1620**

**Mrs. Grier:** Certainly we on this side, in my party, plan to support Bill 174 and welcome its long-awaited arrival in this House.

The question of intervenor funding is one which environmental groups, citizen groups and lobby groups of all kinds have been discussing for quite some time. It was an issue in the questionnaire that was sent to all candidates for this House prior to the 1985 election, when the members opposite and their party indicated their support for intervenor funding.

In fact, when I came to this place I think the question of when we might see some action on that promise was one of the very first questions I raised in this House. I raised it with the Minister of the Environment (Mr. Bradley) on July 10, 1985. It has certainly taken a long time to prepare the legislation and get to this point. Again it was an issue in the 1987 campaign and again we were promised intervenor funding.

We welcome it; it has been long promised and long pressured for and it is long overdue. It is rather unfortunate that what we have is a pilot project and, to a very large degree, half measures rather than the complete and comprehensive intervenor funding that I think we in this party would like to see in place in this province.

However, having said that, let me clearly indicate that even this is a great improvement over the ad hoc system with which we have been working for the past two or three years. The difficulty with an ad hoc system, of course, is that for the groups which seek intervenor funding, there is no degree of certainty that they will get funding, how that funding will be determined or what the level of that funding will be. The procedure and the criteria are not only unknown and ad hoc but are sometimes very hard to find out.

I regret that having sought public comment on this bill, which the Attorney General (Mr. Scott) did after he tabled it in June, he does not appear to have listened to it. I certainly plan to move some amendments that I hope will respond more effectively to that public comment than have the Attorney General and the parliamentary assistant



in the amendments they intend to put before the House this afternoon.

The public comment was unanimous in its request to the Attorney General that the scope of the legislation be broadened. The Toxic Waste Research Coalition and the Canadian Environmental Law Association both stressed the need to broaden the bill to include the Ontario Municipal Board. The Consumers' Association of Canada indicated it would be desirable if the Ontario Automobile Insurance Board be included in the legislation. I plan to move amendments to broaden the legislation to include both of those bodies.

If we really want to do what intervenor funding is supposed to do, which is to encourage effective participation by all groups in society in the decisions that are made before administrative tribunals, surely we cannot begin to limit the number of administrative tribunals which that intervenor funding will be available for.

If we exclude the Ontario Municipal Board, we may well find ourselves before a joint board hearing with a member of that panel from the Ontario Municipal Board, a panel that is not eligible for intervenor funding, sitting with a member from the Environmental Assessment Board, which is eligible for intervenor funding. If we really want to encourage effective participation in the process, we have to make sure that at all stages and all forums in the process funding is available.

Another necessary criterion or component or reason for intervenor funding is to make sure that all issues will be aired before a decision is made. Without intervenor funding, it has been very difficult for a citizens' group, a ratepayers' group or a municipality in many cases to participate in hearings which are growing ever more complex, ever more technical and, I regret, ever lengthier. Intervenor funding is very necessary if all the aspects, all the special interests and all the issues that ought to be considered by a board are to be thoroughly aired.

The third reason for intervenor funding is so that the participants can participate on an equalized basis. That is why it is so important that, as opposed to getting costs at the end of a process, we have intervenor funding, which will authorize the expenditure of funds in advance of a hearing and enable a citizens' group to hire some technical experts, some consultants and to make sure that the evidence they present is effective and in some way commensurate with that of the proponent.

The other couple of difficulties we have with the bill relate to the criteria that are set out in section 7, and I will be asking the House to support repeal of a section that provides that an intervenor, in order to qualify for funding, has to have an established record of concern and a commitment to the interest. In our opinion, that has the potential to be used by a panel or board determining intervenor funding to exclude groups that may not have had a long-established record of concern because the issue on which they are intervening is one of very recent origin and they have only discovered that a pathological waste incinerator is to be built in their backyard; they do not have a long history of concern about the issue because the issue was not there until the particular hearing was called for or established. I hope that other members will support that amendment.

A much more fundamental difficulty we have with the bill is also one that was pointed out to the Attorney General in the submissions from the Canadian Environmental Law Association and other groups. That, of course, is the whole question of the fees to be paid for lawyers. Not being a lawyer, I hate to come and support an increase in tariff for lawyers, but if the objective of the legislation is to equalize the status of the proponents, I think it is unfortunate that the Attorney General includes in the bill that the legal fees will be paid at the legal aid rate under the legal aid plan in effect on the day of the award for work necessarily and reasonably performed.

From his own personal standpoint, I am sure the parliamentary assistant would welcome the amendment that I propose to put, which is that remuneration for lawyers be at the rate paid to private sector lawyers retained by ministries of the government. That is an amendment that would be welcomed not only by the legal profession but by the groups that might benefit from this legislation and is a very critical amendment if in fact we are to achieve what the bill purports to achieve, which is a level playing field, that wonderful phrase that we have all become familiar with. Surely, if intervenor funding is to do anything, it is to establish a level playing field so that all the players are at least starting from the same point.

Having said that, we welcome the bill, we will support the bill and we look forward to some detailed discussion of the amendments that I have outlined.

**Mrs. Marland:** We too, in the Progressive Conservative caucus, will be supporting Bill 174, the Intervenor Funding Project Act. In



understanding the substance of the bill, we still do have some amendments which we will be presenting.

We are certainly recognizing that Bill 174 establishes a three-year pilot project to investigate the use of intervenor funding to give public interest intervenors easier access to the three regulatory tribunals, the Environmental Assessment Board, the Ontario Energy Board and a joint board appointed under the Consolidated Hearings Act and composed of members from the Environmental Assessment Board and the Ontario Municipal Board.

The bill also gives the Environmental Assessment Board the power to award costs, and we certainly see this as a forward movement to improve the situation for people who want to advocate on a particular issue. Joint boards and the Ontario Energy Board already have this power. As a result, certain provisions of the Environmental Protection Act and the Ontario Water Resources Act will become obsolete and will be repealed in sections 17, 18 and 20.

In addition, joint boards, the Environmental Assessment Board and the Ontario Energy Board will be given the authority to award costs using different considerations than are used by the courts.

I think the bill recognizes a very important fact, and that is that the Environmental Assessment Board's 1986 annual report credited intervenors with contributing important evidence to its hearing. The board stated that having equal resources available to intervenor groups would greatly enhance the quality of the hearings by giving intervenors the opportunity to raise and canvass important issues that otherwise might not have emerged.

**1630**

In the past, the government has offered intervenor assistance on an ad hoc basis. This pilot program is the first step in equalizing treatment of groups with a legitimate and serious intention of intervening in an environmental or energy-related hearing. In the past, it certainly has always seemed that a lot of the hearings were conducted with a lot of ammunition, power and clout behind the proponent.

Obviously, in order for hearings to be fair, if there are legitimate opposing views, those views should be able to be presented; however, the public does not have the same kind of funding available to it, in most situations, as does the proponent. The interests of the public may be those that are very sincerely and well presented, but the public is limited by the fact that it does not

have access to the kind of money that, very often, large corporations and business entities and even some individuals have when these questions are referred to any of these boards for consideration.

I think we are moving in a positive direction in terms of providing some intervenor funding. I will have some questions about when that funding is available to the intervenor groups, and those questions will come up during my amendment. I also have some questions of clarification about some of the important sections of the act, which will also come up when I place my amendment. I will simply refrain from duplicating those comments and will place them at the time that I place the amendment.

**Mr. Offer:** First, may I indicate our pleasure in the support that has been indicated by the honourable member for Etobicoke-Lakeshore (Mrs. Grier) and the honourable member for Mississauga South (Mrs. Marland), both of whom have a long history surrounding environmental concerns.

I take note of certain concerns which have been raised by both of the honourable members and I look forward to dealing with those concerns in some detail when we move to the committee stage of this bill. We too will be proposing certain amendments, amendments which I have shared with honourable members opposite. I believe this will result in a greater explanation and clarification of this extremely important bill which will be of great assistance to many groups throughout this province that wish to have not only intervenor status but funding at, for instance, the Environmental Assessment Board level.

On that, I close this debate on second reading.

Motion agreed to.

La motion est adoptée.

Bill ordered for committee of the whole House.

Le projet de loi est déféré au comité plénier de la Chambre.

House in committee of the whole.

La Chambre en comité plénier.

#### INTERVENOR FUNDING PROJECT ACT LOI SUR LE PROJET D'AIDE FINANCIÈRE AUX INTERVENANTS

Consideration of Bill 174, An Act for the establishment and conduct of a Project to provide Funding to Intervenors in proceedings before a Joint Board under the Consolidated Hearings Act, 1981 and before the Ontario Energy Board and the Environmental Assessment Board and to

provide for certain matters in relation to costs before those Boards.

**Étude du projet de loi 174, Loi concernant la mise sur pied et la direction d'un projet visant à fournir une aide financière aux intervenants dans des affaires instruites devant une commission mixte créée en vertu de la Loi de 1981 sur la jonction des audiences, devant la Commission de l'énergie de l'Ontario et devant la Commission des évaluations environnementales et visant certaines questions relatives aux dépens adjugés par ces commissions.**

**Mr. Offer:** Mr. Chairman, pursuant to standing order 8(b), may I have permission to occupy a seat in the front row of the House and have staff members for assistance?

Agreed to.

**Mr. Offer:** I believe that we have provided amendments to subsections 3(4) and 7(1), clause 7(3)(b), subsection 7(5) and section 12a. That is an addition to section 12.

**The Deputy Chairman:** Do you have other amendments to section 12?

**Mr. Offer:** We do, to subsections 12(1) and 12(3). Section 12a is an addition; as is section 20a.

**The Deputy Chairman:** Does that complete the government amendments?

**Mr. Offer:** Those are all the government amendments.

1640

**Mrs. Grier:** I have amendments to section 1, subsections 7(2) and 7(3), and sections 16, 17 and 19.

**The Deputy Chairman:** Thank you. The third party's proposed amendments. The member for Mississauga South.

**Mrs. Marland:** I have amendments to clause 3(1)(a), subsections 5(1), 5(2), 5(3) and 5(4), and clauses 7(2)(e) and 7(3)(a). That is the end of my amendments.

May I just ask something, maybe through you to the parliamentary assistant? Where the words "struck out" have been used—let me just give an example; I guess it is in the New Democratic Party amendments. I realize the same department has drafted all of our amendments. Where it says the bill be "repealed," is it correct to say "repealed" or "struck out?"

The reason I ask that is, if we have gone through first and second readings, is the bill perceived as being passed to a point where it has to be repealed before third reading and therefore we use the word "repealed" rather than "struck

out"? If we have not had third reading, does the bill need repealing, or do the words need to be "struck out"? It is a technical question.

**The Deputy Chairman:** If I might interject, legislative counsel has prepared these amendments and I think it is for us to assume that they are adequately prepared from a legal perspective.

**Mrs. Marland:** The government's motions are using the words "struck out," and in the NDP motions it says "clause such and such of the bill be repealed." I just wonder how you can repeal something that has not received third reading and been proclaimed?

**Mr. Offer:** I think the question, though, initially posed to me by the member for Mississauga South had to do with amendments proposed by the member of the NDP, so I was just wondering if we might want to get response by that member.

**The Deputy Chairman:** The legislative counsel has passed a note to clarify the situation, and he indicates that the wording should be "struck out" and that the copies will be corrected.

**Mrs. Grier:** Do I take it then that whenever my amendment says that it be repealed, that will be changed to "struck out"?

**The Deputy Chairman:** Yes.

**Mrs. Grier:** Thank you. I think that is an appropriate change.

Section/article 1:

**The Deputy Chairman:** We can now begin with the amendments. First, the amendment to section 1.

Mrs. Grier moves that section 1 be amended as follows: That the definition of "board" be amended by striking out the words, "or the Environmental Assessment Board," and by inserting in lieu thereof the words, "the Environmental Assessment Board, the Ontario Automobile Insurance Board or the Ontario Municipal Board."

**Mrs. Grier:** These are amendments which would of course broaden the scope of the bill and the number of bodies to which the bill applies. I think it is very important, particularly in the case of the Ontario Municipal Board, that this amendment be approved. As I said in my remarks on second reading, the bill applies to a joint consolidated board which may well be made up of members of the Ontario Municipal Board and the Environmental Assessment Board. It seems to me anomalous to have one of those subject to intervenor funding and the other one not. I think



that this amendment would go some way, obviously, to resolving that.

The other reason it is important the Ontario Municipal Board be included as a provision for intervener funding is that we are finding more and more that the environment is a consideration. I know, certainly in my own experience and I suspect in that of the Minister of Municipal Affairs (Mr. Eakins), many groups and individuals objecting to issues under the Planning Act and asking for an Ontario Municipal Board hearing are also raising environmental objections, and are frequently seeking that projects be designated under the Environmental Assessment Act so that the environment can be considered.

I suspect the government may well want to consider that if it refuses to accept this amendment of including the Ontario Municipal Board, what it is in fact doing is inviting every group that has an objection under the Planning Act to a project to seek to have that objection, that hearing, broadened to include the Environmental Assessment Board, and therefore be subject to a joint board, so that it will qualify for intervener funding. I think that would be an unfortunate encouragement of perhaps complicating the hearing process into issues that may not require a joint board.

There is, I am sure, the fear on the part of the government that if you include the Ontario Municipal Board, everybody who has an objection to his neighbour's garage or a committee of adjustment decision is going to be seeking intervener funding to appear before the Ontario Municipal Board. Obviously, if you look at the process included in this bill, the funding panel has the right to determine whether or not intervener funding is justified. I think it is highly unlikely that a citizen with a very direct private interest in an issue, such as an objection to a neighbour's expansion or a committee of adjustment decision, is going to qualify for intervener funding under the criteria that are set out so explicitly under section 7 of the bill that is before us today.

Under section 7, the intervener has to represent a clearly ascertainable interest; that separate and adequate representation of the interest would assist the board; that the intervener does have sufficient financial resources and the intervener has made reasonable efforts to raise funding from other sources. All those criteria would in fact exclude the frivolous or vexatious objections qualifying for intervener funding.

The reason behind my inclusion of the Ontario Automobile Insurance Board stems from the fact

that it is my understanding that the Ontario Automobile Insurance Board has itself suggested that intervener funding be applied to that board. Anyone who has watched the hearing or participated in it—as my friend the member for Welland-Thorold (Mr. Kormos) has this week in the first hearing before that board—recognizes the complexity of that hearing and the very broad interest of that hearing to the consumers of this province. Surely it is logical that those people be assisted in making their case before that board, especially in view of the fact that the government has not appointed the consumer advocate that was originally to be part of the Ontario Automobile Insurance Board.

The brief the Consumers' Association of Canada submitted to the automobile insurance board, when looking for funding to participate in the hearings that are now going on, indicates that the board had stated it would request the OAIB be included within the intervener funding pilot project provided for in Bill 174.

#### 1650

I do not know what status that request has or for what reasons the Attorney General (Mr. Scott) refused to include the board, but I think it is interesting that the board itself sought to be included in the bill. My amendment would certainly accede to that request.

The Consumers' Association of Canada, in their submission on this issue, pointed out that it was important the board have interveners who are receiving funding in addition to costs before a hearing before that board. It also pointed out that the board did not have a track record in the awarding of costs and that therefore it was important to establish in this legislation that it was a board that could be considered when people were requesting costs or when intervener funding was being considered.

I hope members will carefully consider the amendment I have placed before them. I certainly look forward to the comments of the parliamentary assistant.

**Mr. Offer:** To begin, "The principal purpose of the bill," as very clearly indicated in the explanatory note, "is to establish a three-year pilot project to provide intervener funding to bona fide public interest interveners at hearings before joint boards under the Consolidated Hearings Act, 1981, the Environmental Assessment Act and the Ontario Energy Board."

This is a pilot project. This piece of legislation is not intended to encompass at this time all boards to which it might be relevant. We have chosen these boards because in large measure

these boards are familiar with not only the granting of intervener status, but also with the intervener funding type of award and the whole question of costs. We believe these boards are best able to provide real feedback on this legislation in the three-year period.

We are concentrating on boards with experience in funding interventions, and as I have indicated, in giving cost awards. The Environmental Assessment Board, for instance, has been distributing funding to interveners for a number of years on the basis of orders in council, while the Ontario Energy Board has substantial experience with cost awards.

The assessment at the end of the pilot project, which in the legislation currently before us is indicated as being three years, will determine whether this model is appropriate for other boards. But as this is a pilot project, it is our desire to have within that legislation boards with great experience in the whole question of funding interventions and the giving of cost awards.

As such, I cannot support the amendment put forward by the honourable member. I would like to indicate, however, that we have received information from the Canadian Environmental Law Association, which has stated that apart from being in favour of this legislation, during the pilot funding project it will keep us apprised of significant developments as they arise, and that it is going to be pleased to consult with us at the conclusion.

As such, what we are looking at is an ongoing process of consultation, of looking at where the legislation is strong and looking at whether there are any weaknesses we see in the legislation. The important point is that this is a pilot project. It is incumbent on, and I believe the responsibility of the government in a matter such as this to use boards that have the greatest experience in matters such as this. That is why we cannot support the amendment put forward by the honourable member.

**Mrs. Marland:** We are supporting this amendment. I listened very carefully to the comments of the parliamentary assistant, the member for Mississauga West, and I respect the principal purpose of the bill.

Interjection.

**Mrs. Marland:** Pardon? I am sorry; I correct that—the member for Mississauga North (Mr. Offer).

**Hon. Mr. Conway:** The Mississauga connection in this Legislature is becoming very—

**Mrs. Marland:** Amiable.

**Hon. Mr. Conway:** Amiable.

**Mr. Ballinger:** If I were next door to you, I would at least know your riding.

**Mrs. Marland:** Touché to the member from wherever he is.

**Mr. Ballinger:** Durham-York.

**Mrs. Marland:** Durham-York.

The principal purpose of the bill is very clear and certainly I understand it just as well as I am sure the member for Etobicoke-Lakeshore (Mrs. Grier) does. However, the sincerity of the bill really can pivot very nicely on adding the two additional boards.

If the government is presenting this bill because it truly believes in the right of the public to be heard and to be heard realistically because they have some money and can afford their preparation to appear before these boards, then it would also follow, I say with respect, that the Ontario Automobile Insurance Board and the Ontario Municipal Board would qualify equally as well as the other boards.

I think the parliamentary assistant has said very clearly that it is an experiment, that this bill is a pilot project. As a pilot project, I think it would behoove the government and benefit the people of Ontario far more to have it have the benefit of being a pilot project covering all of these boards. I think the rights of individuals to be heard and the support through intervener funding is very necessary and very realistic.

I cannot see why we would narrow the scope in a pilot project rather than broaden it. It may well be that the government is perfectly right. It may well be after three years that we will decide—certainly, it will be us that will be deciding in three years' time—that all of these boards do not need to be covered by intervener funding.

In the meantime, it makes sense to include them and we certainly are supporting this amendment.

**Mr. Neumann:** I rise to support the position taken by the parliamentary assistant on this amendment. It should be noted that as he has stated, this is a pilot project and I believe now is not the time to experiment with the Ontario Municipal Board.

One of the priorities of the government is to move forward with housing projects across Ontario and we are trying to find ways to expedite decision-making with respect to housing. I believe extending this experimental approach to the Ontario Municipal Board, which has been established and has been functioning fairly well for a number of years now, could



perhaps jeopardize the process of expediting decisions in the land use decision-making of this province.

Furthermore, decisions before the Ontario Municipal Board usually receive a fairly full hearing at municipal councils prior to getting to the municipal board. I believe there is ample opportunity there for people, rather inexpensively, to have their say and have their position put forth to that local level of decision-making.

I support the position taken by the parliamentary assistant to restrict the application to the boards mentioned in the bill.

Vote stacked.

1700

**The Deputy Chairman:** Mrs. Grier moves that the definition of "joint board" in section 1 be amended by striking out "or the Ontario Water Resources Act" and inserting in lieu thereof "the Ontario Water Resources Act or the Planning Act, 1983."

**Mrs. Grier:** The implication of this amendment, of course, is to be consistent with the previous amendment to add the Ontario Municipal Board to the bill. The reasons are as stated in our discussion of the earlier amendment. I think that even if the government members are not prepared to accept the earlier amendment, which explicitly includes the Ontario Municipal Board, I hope they will at least agree to broaden the act to include the Planning Act in addition to the other legislation enumerated, because in my opinion that would at least provide the Ontario Municipal Board with the option of awarding intervenor funding on an ad hoc basis if it wished to do so.

**Mr. Offer:** Basically for the reasons that were indicated earlier on the first amendment by the member for Etobicoke-Lakeshore, we cannot support this amendment. Once more, we state that this is a pilot project. It was not intended to encompass all boards. The boards selected under this legislation are those with experience not only in funding interventions, but also in giving the costs award. The amendment, as proposed by the honourable member, would in many ways encourage many to use in going to the joint board. Accordingly, we cannot support this amendment.

Vote stacked.

Section 2 agreed to.

L'article 2 est adopté.

Section/article 3:

**The Deputy Chairman:** Mrs. Marland moves that the bill be amended by adding thereto the following subsection:

"3(1a) Where a board has been ordered by the minister to hold a hearing, it shall immediately give notice of the hearing to the public, to any person who has made a written submission to the minister and to such other persons as the minister considers necessary or advisable."

**Mrs. Marland:** At the moment, the requirement for notification by the board under subsection 12(3) of the Environmental Assessment Act only says that the board must give reasonable notice. It does not define "reasonable," so a board could sit on the notice for as long as it wanted. I am not suggesting that any particular board necessarily does or necessarily would not.

The point is that part of the problem for the opposing view in any of these hearings in front of any of these boards is the fact they go in with far less preparation time, and obviously, by the necessity of this bill, far fewer resources. So we feel it would be an advantage to require the boards, as soon as the hearing date is established, to notify the public. At least that way they have the maximum amount of notification time to prepare for the hearing.

We hope that if this requires the board to notify the public of the hearing and of the intervenor rights as soon as the order is received by the minister, then it will follow that the hearings for the intervenor applications will also be as early as possible in the process.

I think part of the problem is that intervenors do not know whether they are going to be granted any funding, and certainly, as individual citizens, they are not going to be in a position to go out and hire planning consultants, environmental consultants or any other kinds of planning specialists, because they simply cannot afford to do so without the intervenor funding being in place.

We feel this amendment is not major in terms of its addition, but we feel it is significant and follows the intention of the government to be as fair, open and helpful as possible to the citizens of the province by introducing a bill that deals with intervenor funding in the first place.

We are quite sure that the government would want to support the fact that the notice to the public would be immediately upon the order of the minister that the hearing be set rather than having someone else try to define what is reasonable, as it now is worded.

1710

**Mr. Offer:** I have carefully gone over the amendment by the honourable member for Mississauga South (Mrs. Marland). We cannot

support the amendment on the basis that we do not believe it is necessary.

What we are talking about specifically in the Environmental Assessment Act is that there are, right now, notice provisions. Granted, they are deemed reasonable, but the particular boards have determined how they are going to be giving notice within their particular act.

When the member talks about the funding provision, what she is talking about is a matter that is going to proceed after the determination of intervener status. Section 3 has the matter of intervener funding put in the middle or within the current application before, for instance, the Environmental Assessment Act, and it would be up to the board to determine the reasonable notice provisions.

Right now what we have is a question of intervener status and then they go on to the hearing. What we are saying is that with this legislation there will be intervener status determination and then will follow intervener funding determination and then on to the hearing.

Accordingly, the notice provisions which the member has indicated in clause 3(1a) is, in our opinion, unnecessary to accomplish what it is that she wishes to accomplish.

**Mrs. Grier:** I am happy to support the amendment moved by the member for Mississauga South. It seems to me if the objective of this legislation is merely a pilot project, as the parliamentary assistant has so often pointed out to us, it is important that every opportunity for public notice be given and that the public be given the broadest possible opportunity to participate in the intervener funding, because it is not general legislation and people may well not be aware of the opportunity to apply for funding. As I say, we will support the amendment.

**Mr. Ballinger:** I am very pleased to stand and not support the proposed amendment by the member for Mississauga South. In the short time I have been in the Legislature, there are many times that I have publicly wanted to support the member for Mississauga South but, unfortunately, this is not one of those times.

I think the proposed amendment really does cloud up the proposed second reading of Bill 174. I think the original amendment by the member for Etobicoke-Lakeshore had some merit in philosophy.

I want to reiterate what was said by the parliamentary assistant for the Attorney General, the member for Mississauga North, that this is a pilot project. I think that what we are trying to do with some of these amendments is predetermine

some of the outcome of the pilot project, and quite frankly, that is not the intent of the bill.

From my point of view as a rookie in the Legislature, I think the purpose of pilot projects is to put forth the idea and then at the end of the three years, it is to be hoped that we have an opportunity to assess whether or not the bill is working.

With the greatest respect for the member for Mississauga South, maybe again at some future date I will have an opportunity to support her, but certainly not on this amendment to Bill 174.

**Mrs. Marland:** I do not think the member for Durham-York (Mr. Ballinger) should apologize for being a rookie in this House, because he is not a rookie in representing his people. He has a long record of service in municipal government. Through that long record I am sure he would recognize, had he had the time—and I recognize that time is always a factor for all of us in understanding these bills.

Certainly I respect the fact that he does not have a copy of the amendment; however, if he did I am sure he would actually support it because the amendment does not cloud up, to use his words, the intent of this bill. The amendment simply expedites the process of public accessibility of the same kind of information that the government has when the minister issues the order that there will be a hearing. It simply says: "There's going to be a hearing. Let's let the public know as quickly as possible."

I am rather surprised that the government would not wish to get that information out as quickly as possible to the public, therefore giving them maximum access to preparation for the hearings that they could have by knowing about it as early as possible. I think it would be in the interest of the public. However, we are certainly well aware of the numbers in this House at the moment, so it is regrettable that that amendment will not be supported by the government that professes to be full and open, with no walls and barriers.

I will refrain from further comment.

**Mr. Offer:** I would like to make a small comment, primarily with respect to the point made by the member for Etobicoke-Lakeshore in terms of notice.

The way I heard it was that there would be possibly no notice given to the groups. Specifically, subsection 3(2) states, "A board shall set out in its notices of hearing, (a) a statement of the right set out in subsection (1)...." Subsection 1 is the right to apply to the board for intervener funding.



In response to the concern raised by the member for Etobicoke-Lakeshore, I believe the bill is very clear and puts a very strong onus and responsibility on the board in giving that type of notice.

Motion negatived.

**The Deputy Chairman:** Mr. Offer moves that subsection 3(4) of the bill be struck out and the following substituted therefor:

“(4) After determining all issues related to intervenor status, a board shall not proceed further with a hearing,

“(a) until the last date for applying for intervenor funding has passed and no applications are received; or

“(b) until the funding panel for the hearing has advised the board that all applications for intervenor funding have been decided if any applications are received.”

**Mr. Offer:** Very briefly, the current legislation might cause some technical problem since it states that “a board shall not commence a hearing...” Depending on the nature of the proceeding, a hearing may have already been technically commenced when a determination of intervenor status has been made.

This provision relates to requirements that all decisions in relation to intervenor status and funding shall be made prior to commencing a hearing into the matters before the board. We believe that this particular amendment makes it quite clear that this possible problem, out of an abundance of caution, will not come about.

1720

**Mrs. Grier:** The amendment enhances the intent of the legislation and we are happy to support it.

**Mrs. Marland:** I wonder if the parliamentary assistant could clarify this section a little further. It is not clear in section 3 what actually is the commencement of the hearing, whether the hearing commences with the notice that there shall be a hearing, whether the hearing commences after interveners' status has been established or interveners have been given funding, or indeed after the hearing panel has sat down and started to hear evidence.

Where that question arises is in the wording of the government motion, where it says “a board shall not proceed further with a hearing.” That is not the wording in the bill. It is the wording in the government amendment. If the government can establish when the hearing begins, I think it is important. The government motion under subsection 3(4) says, “After determining all issues

related to intervenor status, a board shall not proceed further with a hearing...” If the hearing has begun, then the government probably should not have the word “further” in there. It shall not proceed, in other words. A board should not proceed with a hearing once it is clarified when the hearing has actually commenced.

**Mr. Offer:** My response is that if we do not insert the word “further,” then indeed we will have the problem which we have indicated. Basically, there is a determination of intervenor status, then there is a determination of funding and then comes the hearing. What we want to clearly indicate is that the board will not proceed further with the hearing until the funding determination has been completed.

This is an amendment out of some abundance of caution, because there could be the argument that when a board determines intervenor status, it may have commenced the hearing, which of course would defeat the whole question of when we could go on with the intervenor funding.

All we want to do is to be very clear that there is the intervenor status determination, and then the board will not proceed with the hearing until the middle portion, which is before this House right now—the intervenor funding portion and determination—has been completed fully.

**Mrs. Marland:** Then is it the intent through this wording that it is possible for a hearing to have commenced and for an individual or a group of individuals to obtain status and indeed funding after the hearing has commenced? Or is the bill saying that all those matters pertaining to intervenor status and intervenor funding have to be completed before a hearing begins, that we cannot have any late applications for intervenor funding or status?

**Mr. Offer:** To respond, it is the position that intervenor status determination is made, the intervenor funding determination is made and the hearing then commences.

Motion agreed to.

Section 3, as amended, agreed to.

L'article 3, modifié, est adopté.

Section 4 agreed to.

L'article 4 est adopté.

Section/article 5:

**The Deputy Chairman:** Mrs. Marland moves that subsection 5(1) of the bill be amended by striking out the words “one person” in the second line and inserting in lieu thereof the words “three persons.”

**Mrs. Marland:** The reason for this amendment is that we are suggesting that in the case of a joint board, the funding panel would be made up of one member from the Ontario Municipal Board and two from the Environmental Assessment Board, as an example. There is, I understand, presently more representation from the Environmental Assessment Board because the bill allows consideration of only the Environmental Assessment Act. We certainly have had that confirmed earlier this afternoon.

With these kinds of decisions, we feel that in fairness to whoever the panels are and certainly in fairness to the public and the government of the day, it would be in everybody's best interests if the decision about the allocation of intervenor funding were in fact not a decision of a single individual. We feel, on either side of that issue, that it would be of far greater interest to the public of Ontario if it were a three-person panel which decided that public funds would be used for intervenor funding. It is then a very defensible position, because it is not the opinion of one individual as to the allocation of public money.

Since we are all custodians and trustees of public funds, I think that it behooves us to make sure that allocations of those funds are done as fairly and equitably as possible. Therefore, the decision of one individual perhaps could certainly be enhanced with the opinions of two others. That is the reason for the amendment.

1730

**Mr. Offer:** First, let me indicate that we cannot support the amendment put forward by the honourable member for Mississauga South. We believe that having more than one panellist will possibly cause some administrative problems. However, I would like to indicate that I think one of the concerns the member has issued is: "You have this one person making a decision. What recourse is there in the event that the decision is, in terms of the intervenor funding, somewhat negative?"

For the information of the member for Mississauga South, we will be moving an amendment which is an addition to the legislation and it will be found in section 12a, which will give a person who has been turned down for intervenor funding the right to appeal. This, I believe, will go some way to meet some concerns made by the member for Mississauga South.

**Mrs. Grier:** I think the expansion of the panel from one to three persons is an important safeguard and I am happy to support the amendment.

**The Deputy Chairman:** Mrs. Marland moves that subsection 5(1) of the bill be amended by striking out the words "one person" in the second line and inserting in lieu thereof the words "three persons." Is it the pleasure of the committee that the motion carry?

Vote stacked.

**The Deputy Chairman:** Mrs. Marland moves that subsection 5(2) of the bill be amended by striking out the words "one person" in the third line and inserting in lieu thereof the words "two persons."

**Mrs. Marland:** The arguments in support of subsection 5(2) are the same as I have already presented to the committee in subsection 5(1).

**Mr. Offer:** My comments in opposition to subsection 5(2) are the same as those in subsection 5(1).

Vote stacked.

**The Deputy Chairman:** Mrs. Marland moves that subsection 5(3) of the bill be struck out and the following substituted therefor:

"(3) The chairperson of the Environmental Assessment Board shall name one of the members named under subsection 2 by him or her to be the chairperson of the funding panel of the joint board."

**Mrs. Marland:** My comments for subsection 5(3) are the same as for the two preceding sections.

**Mr. Offer:** With respect to the amendment moved by Mrs. Marland in terms of subsection 5(3), we will be in opposition for the reasons set out in subsection 5(1).

Vote stacked.

**The Deputy Chairman:** Mrs. Marland moves that subsection 5(4) of the bill be struck out.

**Mrs. Marland:** When my other amendments pass at 5:45 p.m., there will be no need for this section because we will have three-member panels and there will no longer be a tie vote.

**Mr. Offer:** In response to the amendment to subsection 5(4), we believe that when the amendments to subsections 5(1), 5(2) and 5(3) of the member for Mississauga South are defeated in division, subsection 5(4) will be essential.

Vote stacked.

**The Deputy Chairman:** Before we get to the next amendment, there are no proposed amendments for section 6.

Section 6 agreed to.

L'article 6 est adopté.



Section/article 7:

**The Deputy Chairman:** Mr. Offer moves that subsection 7(1) of the bill be amended by striking out "board" where that word appears and replacing it in each instance with the words "funding panel."

**Mr. Offer:** The reason for this amendment is a drafting error. The provision relates to decisions by the funding panel rather than a decision by the board as a whole.

Motion agreed to.

1740

**The Deputy Chairman:** Mrs. Grier moves that clause 7(2)(e) of the bill be struck out.

**Mrs. Grier:** This is the section of the legislation that sets out the criteria under which intervenor funding can be awarded to an intervenor, in clauses 7(2)(a) to 7(2)(h). I am suggesting that one of those criteria be struck out. The criterion I would like to direct the attention of members of the House to is clause (e), which says, "The intervenor has an established record of concern for and commitment to the interest."

If that is all you hear, you obviously think that is an essential ingredient of an intervenor's participation, but if you read the entire section you will see that very many important criteria are established that would guarantee that an intervenor in fact has a commitment: the intervenor has to have made reasonable efforts to raise funding from other sources; he has to have attempted to bring related interests of which he was aware into an umbrella group to represent the related interests at the hearing; he has to have a clear proposal for the use of the funds; he has to represent a clearly ascertainable interest that should be represented at the hearing, and he has to indicate that the representation would assist the board in the determination of the issues at hand.

To require that there be an established record of concern and commitment to the interest is an unnecessary hardship being imposed by this clause. As I indicated in my opening remarks, it may well be that the intervenor does not have an established record of concern, because the matter before the board may be one that has only lately come to his attention because it was a very recent proposal.

I use the example of an incinerator in some township that has never had an environmental group or a group opposed to or concerned with incinerators in the past. This proposal has come and a group has been formed to indicate its interest at the hearing before the board. I think to

be disqualified from intervenor funding because it has not had an established record of concern makes a mockery of the entire legislation.

I look forward to the support of the parliamentary assistant for this very sensible amendment.

**Mr. Offer:** We cannot support this particular amendment. This was included in order to ensure that a group or individual could not appear at the last minute and request funding and to ensure that responsible and committed groups were the ones to receive funding.

When we talk about the question of "established record of concern for and commitment to the interest," we are talking about the interest before the particular funding panel or the board. We believe this provision will likely have the impact of encouraging groups involved in this matter to band together with more experienced groups, which should encourage a more co-ordinated and effective intervention.

**Mrs. Marland:** As the parties this afternoon will recognize, my amendment which follows, which I am not speaking to at this point, is striking a median here. We cannot agree with the parliamentary assistant when he says that they do not want people to appear at the last minute, that they must band together in advance and be organized and have, as the bill says, an established record of concern.

I have to tell the parliamentary assistant that when there was a secret burning of polychlorinated biphenyls at St. Lawrence Cement and people found out about it afterwards, then we went into, not a hearing under these acts, but certainly we went into hearings where intervenor funding could have been something that would have been considered at this point.

We certainly sometimes look at a response of the public where it simply cannot have an established record. They certainly can have a commitment to the interest, however, and that is why we support the commitment to the interest. But who is going to lay down what constitutes an established record of concern? We feel an established record of concern is open to interpretation and it may, through its very interpretation, be inequitable for the applicants for this funding.

**The Deputy Chairman:** Thank you. Are there any other comments or questions?

We will proceed with the vote. Mrs. Grier has moved that clause 7(2)(e) of the bill be repealed. Is it the pleasure of the committee of the whole that the amendment carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negated.

**Hon. Mr. Conway:** On a point of order, Mr. Chairman: Just because we did have an earlier discussion and consent to take any stacked votes this afternoon at 5:45, the committee has been working very diligently and my colleagues tell me that there are a number of amendments yet to be dealt with and that some additional time is going to be required.

It would be my submission that the committee continue this afternoon to work its way through these amendments and we will carry over until tomorrow, and, subject to the House leaders' discussions, hopefully we would—again, subject to the approval of the House leaders and whips—take those votes and conclude this matter tomorrow.

**Mr. Eves:** That proposal is certainly acceptable to us, and I understand it is acceptable to the official opposition, as well.

**The Deputy Chairman:** The next amendment is from the member for Mississauga South.

Mrs. Marland moved that clause 7(2)(e) of the bill be amended by striking out the words "an established record of concern for and a commitment to the interest" and by inserting in lieu thereof the words "a commitment to the interest."

**Mrs. Marland:** As I said a few moments ago, we feel that there is too much latitude in clause 7(2)(e), as it is presently printed in the bill. There has to be someone to interpret what is an established record of concern. Who is going to say what an established record is? An established record of concern in one individual's opinion may be very different than another's.

We recognize the intent of the people who drafted the legislation to make sure that there are not facetious applications for government funding for intervention in hearing. However, we feel that if the wording says that there is a requirement to have a commitment to the interest, that commitment to the interest is far easier to interpret. It can be interpreted safely by a broader number of people and it still secures for the funding base, namely the government, the protection that yes, these people are committed to the interest of whatever the matter is that is going before these hearing boards. We feel that to make it a requirement in the protection of everybody's interests, the wording "a commitment to the interest" is sufficient, and is not open to too much latitude in interpretation.

**Mr. Offer:** We will be against that particular amendment, moved by the member for Missis-

sauga South, much for the reason given by myself in response to the amendment moved earlier by the member for Etobicoke-Lakeshore. We believe that where an issue has been of concern to the public for some time, persons involved in the issues should be able to establish a record of concern, thereby meeting some of the concerns already raised by the honourable member.

1750

**Mrs. Grier:** We would be supporting this amendment from the member for Mississauga South. I think it is unfortunate that in their opposition to the elimination of this subsection, the parliamentary assistant has failed to describe what kind of a definition of a record of concern the government is looking for. I continue to believe that the inclusion of this section in any form may well have a very limiting effect on the operation of the legislation, so I hope that this amendment can be accepted.

**The Deputy Chairman:** Thank you. Are there any other comments? May we proceed to vote? Mrs. Marland has moved that clause 7(2)(e) of the bill—

**Mr. Offer:** Dispense.

**The Deputy Chairman:** Dispense? Thank you. Is it the pleasure of the committee that the amendment carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negated.

**The Deputy Chairman:** Mrs. Grier moves that clause 7(3)(a) of the bill be struck out and the following substituted therefore:

"(a) if the proposal includes the use of lawyers in private practice, assess legal fees at the maximum rate of remuneration for private sector lawyers retained by ministries of the government as set out in those directives of Management Board of Cabinet in effect on the day of the award for work necessarily and reasonably performed."

**Mrs. Grier:** This is the section that I referred to in my opening remarks where the bill provides that lawyers who would be acting for the interveners assess legal fees at the legal aid rate.

The intent of my amendment is to provide that those lawyers be paid at the same rate the government is paying private lawyers when it contracts out its own work.

In support of that amendment, I want to quote from two submissions that have been received by the government. The first one is from the



Canadian Environmental Law Association in response to the request of the Attorney General for comment on this bill.

It says, "In particular, CELA cannot understand the rationale for subsection 3(a)'s attempt to limit legal fees to the legal aid rate in effect at the time of the award.

"If enacted, this subsection will clearly have a serious negative effect on interveners' ability to retain their counsel of choice. Put shortly, this subsection will undoubtedly result in at least two undesirable consequences:

"First, fewer senior counsel will be able to take on lengthy public interest interventions before the boards;

"Second, the resources of public interest groups will be further strained if they attempt to retain experienced counsel by topping off the legal aid rate with their own funds.

"If the object of the act is to ensure that interveners are able to fully and effectively prepare and present their case, then it is clear that subsection 3 must be omitted because it unnecessarily hampers the interveners ability to retain counsel with experience in this specialized area of practice."

The second quote that I want to read into the record is in a letter that was received by the Minister of the Environment (Mr. Bradley) from no less a person than the chairman of the funding panel who has been dealing with intervenor funding in the case of the Ontario Waste Management Corp. lengthy hearings.

On August 18, Mrs. Munro wrote to the Minister of the Environment saying, "The Ontario Toxic Waste Research Coalition has asked the panel to recommend to cabinet once again that legal fees eligible for reimbursement not be set at the legal aid tariff.

"They recommended that legal fees be reimbursed to eligible public participant parties at the rates employed by the provincial government when retaining nongovernment legal services.

"It was submitted that the OWMC application contains more than one facility and the issues are complex. Since the hearing on the application will be lengthy, counsel who are members of law firms will incur substantial personal financial losses if they act for their clients at the legal aid tariff.

"The parties also pointed to the fact that the Ontario Waste Management Corp., a crown corporation, is retaining legal counsel at private sector rates." If ever there was an argument in support of the amendment that I am now putting to this legislation, surely that was it.

When OWMC, a crown corporation, wants to retain lawyers to support its position before an environmental assessment board, it pays private sector rates. The interveners are being asked to hire counsel and pay them only at the legal aid rates. If you are looking at a hearing that is going to take one, two, maybe three months, you are, in fact, subjecting those lawyers to severe personal financial losses.

Is that truly what we want to ask of the legal profession? Do we really want to have intervenor funding and a level playing field before these administrative boards and tribunals?

I have discussed this amendment with the parliamentary assistant when I met with counsel for the Attorney General to discuss this bill. I suspect that his response to this amendment is going to be, "No, we cannot accept it." I really regret that, because I think if there is one aspect of this bill that really undercuts the whole intention, it is this particular section. I hope that since our conversation some weeks ago the parliamentary assistant has been able to discuss this with the Attorney General. I look forward to a positive response to this amendment. I think if we do not get that we really have rendered much of this legislation meaningless.

**Mr. Offer:** We cannot support this amendment, but we would like to indicate that the use of legal aid rates under this legislation is a minimum and is guaranteed, win or lose.

The government has proposed an amendment to subsection 12(3), which I have shared with my honourable colleagues. This will permit the provision of additional costs at regular counsel rates at the end of the hearing according to the tariffs set by the boards.

In response to some of the comments made by the honourable member, many government programs use legal aid rates as the base—for example, cases handled through the Women's Legal Education and Action Fund and all family and criminal legal aid cases. We believe that this program, and this particular section, draws a distinction between funding—and that is prior to the matter being heard—and the right and ability of those persons having intervenor status at the end of the matter to apply for costs.

That is being proposed under subsection 12(3) by the government. We believe by doing so that comes to grips and meets the particular concerns raised by the honourable member.

**Mrs. Marland:** This is a very important section of this bill.

I do not know how much more time we have this afternoon, but would you like me to continue

for one minute and then move adjournment until tomorrow?

The reason this is a very significant part of this bill is that when we are talking about the legal fees that will be available to the public and will affect their eligibility for funding, we are talking about the very essence of their accessibility to intervention itself. We are talking about whether or not the opponents of a proposal that has now been referred to any of these hearing boards will, in fact, be able to have fair representation.

I hear very clearly what the parliamentary assistant is saying about the fact that interveners can apply for costs at the end of the hearing; I understand that section of the bill very well. However, there are two gambles here for members of the the public who want to take part in intervention. The first gamble is, they go for intervenor funding. Judging from your comments earlier this afternoon, the public is going to get down on bended knee and pray to one panel member for intervenor funding, not to three as my amendment would have suggested. The public is going to ask the opinion of one individual for intervenor funding. Now, it wins if it gets it. It then proceeds with the hearing based on what it can afford.

On motion by Mrs. Marland, the committee of the whole House reported progress.

À la suite d'une motion présentée par M<sup>me</sup> Marland, l'étude du projet de loi en comité plénier de la Chambre est ajournée.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** For the benefit of

members, I thought I might give a brief business statement for tomorrow's sitting, which is planned to be the final sitting day before the Christmas break.

Tomorrow we will proceed, after routine proceedings, with the adjourned debate on Bill 174, Intervenor Funding Project Act, in committee of the whole, and, subject to the discussion of House leaders tomorrow morning, I would leave open the possibility that these matters will be concluded and the bill will proceed for third reading and perhaps even royal assent.

As well as Bill 174, we will do the third reading of the following bills: Bill 9, South African Trust Investments Act; Bill 121, Gasoline Tax Amendment Act; Bill 151, Personal Property Security Act, Bill 81, Election Finances Amendment Act; Bill 196, Psychologists Registration Amendment Act; Bill 87, Ontario Highway Transport Board Amendment Act; and Bill 88, Truck Transportation Act.

We will also deal with the second and third readings of Bill Pr66, Ariann Developments Inc. Act; Bill Pr73, George A. McNamara Memorial Foundation Act; and Bill Pr75, City of Sault Ste. Marie Act.

We will also consider any bills reported back from committee—and we are expecting perhaps a couple of bills to be reported back from various committees—and of course with his Honour's permission we will give some royal assent tomorrow.

The House adjourned at 6:03 p.m.

#### ERRATUM

No.	Page	Column	Line	Should read:
120	6734	1	5	of occupancy cost. The sales tax credit has been



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No. 122

# **Hansard**

## **Official Report of Debates**

### Legislative Assembly of Ontario



**First Session, 34th Parliament**  
Thursday, December 15, 1988

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 15, 1988

The House met at 10 a.m.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### HIGHWAY CONSTRUCTION

Mr. Offer moved resolution 45:

That, in the opinion of this House, recognizing the rapid and continuing growth in Peel region in the residential, commercial and industrial sectors and further recognizing the existence of a very busy international airport in Peel, the location of Peel between Hamilton/USA and Metro/southeast Ontario and the significant increase in the number of medium and heavy trucks in Peel, this Legislature strongly urges the Minister of Transportation to direct the continuation of Highway 407 westward from Highway 427 to Highway 10.

**The Deputy Speaker:** The member has up to 20 minutes to make his presentation and may reserve any portion of that 20 minutes for his windup.

**Mr. Offer:** I will first indicate that I will be reserving some time at the end in terms of my windup.

In dealing with this matter, we are dealing with a matter of extreme importance to the Peel region. I have had the occasion of meeting with a number of members from the region of Peel. I have met with my colleagues the member for Mississauga West (Mr. Mahoney), the member for Mississauga South (Mrs. Marland), the member for Mississauga East (Mr. Sola), the member for Brampton South (Mr. Callahan) and the member for Brampton North (Mr. McClelland).

I think that on an issue such as this there are no politics; there is not political partisanship. It is a need on which all of us speak in one voice, and that voice is urging the Minister of Transportation (Mr. Fulton) that when the decision to continue the building of Highway 407 is made, it must be made such that it proceeds westward from Highway 427 to Highway 10.

I have been fortunate to have received a report by the region of Peel. That report was carried out by the transportation policy division of the Peel planning department under the direction of Peter

Allen, the commissioner of planning, and Douglas Thwaites, the director of the division. This was a study team dealing with the whole question of transportation in the Peel region. That team was made up of Dr. Ali Mekky, project manager and senior planner, Jack Thompson and Rick Warner as intermediate planners and Ray Backie as junior planner.

To begin, I think we have to give some backdrop to this resolution. In November 1987, regional council received a letter, dated October 20 of that year, from the Minister of Transportation confirming the immediate construction of Highway 407 from Highway 400 to Highway 427. It was noted in the letter that, "The first section of Highway 407 will include a transitional extension westerly on the Highway 407 alignment to ensure good traffic distribution around the Highway 407-427 interchange." In addition, the Ministry of Transportation staff indicated, "A similar extension is to be required to Dufferin Street to distribute around the Highway 400-407 interchange."

No one disagrees with that decision by the Minister of Transportation. It was a good decision; it was a right decision; it was a necessary decision. But as I say that it was good, right and necessary, so too I state that it is good, right and necessary that the next decision by the Minister of Transportation be made in dealing with extending Highway 407 westward from Highway 427 to Highway 10.

The region of Peel's report was based on two very important reasons: first, to assess the urgency of Highway 407 being extended into Peel and, second, to assess how the need to extend Highway 407 into Peel compares with the need to extend Highway 407 easterly from Dufferin Street. That is important, because what we are dealing with here is comparing the relative needs, comparing the relative growth in all of the regions each to the other. Obviously, the three regional municipalities most affected by decisions on the construction scheduling of Highway 407 would be Metropolitan Toronto, York and Peel.

Therefore, in determining the appropriate priorities for the next stage and subsequent stages for the construction of Highway 407, the region



of Peel—and my remarks today are largely borrowed from that report because that is a good, exhaustive and extensive report. This report studies all the sections of Highway 407 from Highway 403 in the west to the east Metro transportation corridor in the east. Not only does it deal with the particular areas and their relative growth patterns, but it also deals with different time frames, from the mid-1980s to the turn of the century, up to 2010, I believe.

I would like to, if I might, talk about three criteria for comparison, the first being population. The study by the region indicates that the future growth in both population and employment within the Highway 407 corridor is higher in Peel than in Metro and the region of York combined. This is not a political decision; this is a fact based on empirical evidence.

#### 1010

The region of Peel has been quite exhaustive in making it very plain that in terms of population growth, the growth in Peel from 1985 to 2011 will exceed the rate of growth in both York and Metro combined. Population growth from 1985 to 2011 in the corridor in Peel is projected to be about 366,000. In Metro, it is approximately 4,500 and in York, about 270,000, for a combined Metro-York total of about 274,500, which is over 90,000 less than that in Peel.

A second factor for comparison is the one dealing with employment growth. When we talk about employment growth, we are talking about the increase in jobs within a municipality, still using the same time frame, 1985 to 2011. In that period, that increase is slated to be projected at about 245,000. In Metro, it is projected to be about 74,000 and in York, about 121,000. Again, the projection for the combined York and Metro growth is about 50,000 less than in Peel alone.

We are not saying that York is not experiencing, in many ways, the same type of dynamic growth that is found in the Peel region. We are saying, however, that the growth in Peel, in terms not only of the residential but also of the industrial, commercial and retail sectors, is of such magnitude as to warrant the Minister of Transportation making the decision to extend Highway 407 westward.

A third factor I would like to bring to the attention of this House is what is known as employed labour force. That is measured as those people living in an area who work either within or outside of the municipality within which they live.

Again, we will use the time frame 1985 to 2011 because in that time frame it is anticipated that the ELF, or employed labour force, in Peel will be over 200,000. This is important because in Metro, it is projected to decrease by about 6,000 while in York it is projected to increase by about 130,000. This results again in a Metro-York total of about 124,000, which is almost 85,000 less than in Peel.

When we take a look at this one aspect, this one criterion, the growth in employed labour force in the corridor in Peel is so great that it exceeds York's projected 2011 growth figure of about 130,000 10 years earlier. I know, and certainly from my discussions with my colleagues the member for Mississauga South, the member for Mississauga West, the member for Mississauga East, the member for Brampton North and the member for Brampton South, they are all well aware of the vast growth that is taking place in all our ridings in terms of the residential, commercial and industrial sectors. This cries out that there is an absolute urgency that Highway 407 be extended westward from Highway 427.

When that initial decision was made by the Minister of Transportation—I know that the member for Mississauga South is in the House and we were members of this Legislature at that time—for the provision of the first stage of Highway 407 from Dufferin Street to Highway 427, I know the member for Mississauga South will recall that I said that decision was good for Peel and would be of assistance primarily to Mississauga and Brampton in terms of traffic going easterly and that would result in a positive impact in the Peel region. I was able to justify, I was able to speak strongly in favour of that decision by the Minister of Transportation.

That decision was made, that decision is right, but that decision is now in the past. We are now looking upon future decisions. I think it is absolutely essential that this House—I hope to have the support of all members of this Legislature in urging the Minister of Transportation to make certain that when that decision is made, it is made in such a way that Highway 407 will be extended west from Highway 427 to Highway 10.

In the time permitted—and I take note that it is winding down quite rapidly—there are five factors specific to the Peel region which I would like to touch on.

The first factor is one which I have spoken about in terms of comparison with York and Metropolitan Toronto, that is, the growth in population in Peel. In 1971, the population in



Peel was about 260,000, which was about the same as Halton and Durham. At present, the population of Peel in 1988 is about 644,000, which equals that of Halton and Durham together. Between 1971 and 1985, the population of Peel increased by about a third of a million, which is, as is very easily understood, a substantial increase compared to other regions. Peel's growth was more than that of Metro Toronto, York and Halton combined.

I indicated earlier and I would like to reiterate the large increase in employment in Peel as a second factor. I indicated earlier and I would like to reiterate the large growth in employed labour force in Peel.

One factor I have not indicated, which is very critical and very topical at this point, is the presence of the Lester B. Pearson International Airport. As we all know, that is located in Peel and adds large volumes of traffic to Peel's road network. This international airport is one of the busiest airports in North America and serves Canada's largest business and travel area. This is the primary terminus for over 65 air carriers and the base for over 20 general aviation operators.

We know from recent reports that there is some concern with the operation of the airport, that that is being looked at and rectified. We also know that a third terminal is being constructed and that a further runway is being discussed. All this will add a greater urgency to the necessity of Highway 407 to be extended westward from Highway 427 to Highway 10.

A fifth point which I would like to bring to the members' attention is very peculiar, that is, the large number of medium and heavy truck movements in Peel. In Peel, due to the large industrial, commercial and service activities growth in Peel, as well as its location between the United States and Metro, many of the main arteries in Peel carry significantly high percentages of truck traffic.

The continued growth in Peel has attracted over 300 trucking companies to base their operations in Peel. This is a factor that is very specific to the Peel region and again cries out, demands, that the Minister of Transportation, when making that decision as to the further extension of Highway 407, have that extension go westward from Highway 427 to Highway 10.

**1020**

I have indicated in my opening remarks that I will reserve some time to wind up. I ask all honourable members to support this resolution based on the criterion of comparison and the criterion of factors related specifically to the Peel

region in urging the Minister of Transportation, when ready to make the decision, to extend Highway 407 westward from Highway 427 to Highway 10.

**Mrs. Marland:** It is a pleasure for me to rise this morning in support of the resolution of the member for Mississauga North (Mr. Offer), his resolution being:

"That, in the opinion of this House, recognizing the rapid and continuing growth in Peel region in the residential, commercial and industrial sectors and further recognizing the existence of a very busy international airport in Peel, the location of Peel between Hamilton/USA and Metro/southeast Ontario and the significant increase in the number of medium and heavy trucks in Peel, this Legislature strongly urges the Minister of Transportation to direct the continuation of Highway 407 westward from Highway 427 to Highway 10."

I think at the outset it is important to place on the record the ongoing struggle that the region of Peel seems to have as the poor cousin of Metropolitan Toronto. I think it is significant to tell you that at the end of 1985 and very early in January 1986, there was quite a lot of concern expressed in the region of Peel by two very important people, in terms of intermunicipal transborder transportation planning. One of those people is Peter Allen, who is the planning commissioner for the region of Peel.

Mr. Allen was trying to make a very strong statement at the beginning of 1986 about his concern as to where the transportation corridors were going to be. I think it is important for all of the regions around the Golden Horseshoe area to work together. Obviously, no growing region should have or does have priority over another, but also it stands to reason that where we have traffic flow between municipalities and between regions, there is no way that once the car, for example, driving east from Mississauga hits the Etobicoke border that it has any choices about continuing through Etobicoke if it is on its way to downtown Metro and, of course, the same in reverse.

The regional officials have said that within 15 years Peel, York and Durham regions combined will have surpassed Metro in population, if present trends continue. With Halton added, the four regions and Metro will have more than five million people compared with two million in Metro. In 1986 alone, those regions of Peel, York, Durham and Halton had hoped to undertake nearly \$2.5 billion worth of residential, industrial and commercial development, which



was up 20 per cent over the two previous years. Now we know that prediction has been surpassed in the region of Peel.

Mr. Allen, the planning commissioner for Peel whom I mentioned a few moments ago, said in a report that: "Peel was not consulted when Metro's rapid transit plan, called Network 2001, was prepared. Traffic at the Peel-Metro border is expected to double in 25 years, but the present road capacity cannot be significantly increased."

I think that statement shows the need for consultation among all the regions and also emphasizes the very important role that the provincial government must play in overseeing the planning for all of these areas together. Peter Allen also noted that Metro's population is expected to show only slow growth between now and the year 2011, while Peel's increase alone will be to 1.1 million people.

Frank Bean, who is himself a former Mississauga city councillor and the longest-serving regional chairman in Ontario, said the neighbouring regions sometimes get the impression that Metro regards them as poor cousins. Mr. Bean also said he has impressed upon the Metro chairman, Dennis Flynn, that Metro must realize it is not living in a cocoon. I guess now, since the election last night of Alan Tonks as Metro chairman, that Frank Bean at this point will have to start emphasizing his concerns to the new Metro chairman.

At this point, I think it would be appropriate to congratulate Frank Bean, as of last week newly re-elected as chairman of the region of Peel. Going into 1989, Frank Bean will in fact be entering into his 10th year as regional chairman. We appreciate the work, dedication and commitment that he has given to the region of Peel in his role as chairman. We share with him the concerns that he has been trying to express over his years in that position and with regard to this particular problem of transportation corridors.

Mr. Bean has also said in the past that if Metro is not prepared to be more sensitive to the neighbouring regions, they will have to make a joint pitch to the Ontario government for fairer treatment. That is the pitch that I think is being made here this morning, and it is one that I am hopeful the Ontario government will listen to and recognize, because it is not an unreasonable request.

The importance of the extension of Highway 407 west from Highway 27 to Highway 10 is certainly well demonstrated when you look at the population increases, particularly when we have a very extensive report that describes the

anticipated growth in the areas to be served by Highway 407 as follows: From 1985 to 2011, the population increase alone in that area will be 55 per cent and the employment increase will be 72 per cent. In both cases, over 55 per cent of the total growth anticipated is projected to occur within the boundaries of the region of Peel.

From an operational perspective, the modelling that has been done indicates that even if built by 2001, Highway 407 in Peel will be operating at capacity at the time it is built with significant sections operating under forced-flow conditions. I think those of us who have to commute today on the Queen Elizabeth Way understand very clearly what forced-flow conditions mean.

### 1030

Conversely, the sections of Highway 407 within York will operate significantly better and will have the ability to accommodate some future growth. This indicates a need for a higher priority being given to the Peel section. From a user-cost perspective, which I am sure the government is always concerned about, the relative benefit-cost ratio for the extension west through Peel compared with east through York is very significant. This means that every dollar spent to extend Highway 407 into Peel region will reap over five times the benefit to its users compared to an extension to the east through York.

We would also like to place on the record that future extensions should include the construction of Highway 407 west of Highway 10 to Highway 401 with the objective of this section being operational by the year 2001.

I hope that the Minister of Transportation and the cabinet of the Ontario Liberal government will support this resolution and solve the traffic problems in Peel.

**Mr. Mahoney:** It is Mississauga day in the Legislature, I guess, with the member for Mississauga North's resolution. Obviously I am pleased to rise in support of it, but I would like to give members of the House and you, Mr. Speaker, some information to justify the request that this section of Highway 407 be moved up in priority and be the actual first leg of Highway 407 built, rather than going to the east, which I must admit would be contrary to the wishes of some of our honourable members who represent areas in Durham, York and other parts of the province.

**Mr. Ballinger:** Hear, hear.

**Mr. Mahoney:** The member for Durham-York says "Hear, hear," but while there is no denying that there is growth in the east and on the north boundaries of Metro, clearly there is also



no denying that the growth rate in Peel has been surpassed by no area in the entire country and, for that matter, in North America. The growth figures are quite clear, and they are substantial.

In 1974, the Regional Municipality of Peel Act created the new region of Peel and the new city of Mississauga merged from smaller communities such as Streetsville, Port Credit, Cooksville and the then town of Mississauga, and many villages, such as the villages of Malton and Erindale. All of these communities came together to form the city of Mississauga in 1974.

The population at that time was about 120,000 people. In 14 years, that population in Mississauga alone has grown to approximately 410,000 people. It is unprecedented growth and with that growth, of course, as anyone trying to get out of Mississauga this morning would agree, there are severe traffic problems. In fairness, the traffic problems this morning were caused by a substantial power failure to some 40,000 customers in the Mississauga and Milton areas, but it just really drove home the fact that the volumes of traffic, when a problem occurs such as a power failure or a bad storm, is so substantial that it simply becomes catastrophic and impossible to move throughout the city.

It is interesting also to go back a little bit in history. The member for Mississauga South will recall when both she and I were serving as members of city council and the debate in the late 1970s and early 1980s was raging about whether or not to build Highway 403 through the city of Mississauga. Indeed, as the city councillor in the area where Highway 403 was going through a substantial number of backyards, I was very actively involved in that debate. It was not a question of whether or not the residents in my community wanted the highway. It was really a question of where it was to be located.

Originally, we were told that it was going north of the hydro towers. It turned out that the ministry had planned, under the then leadership of James Snow, the Minister of Transportation and Communications of that day, to actually build the highway south of those hydro lines, and residents will recall that very acrimonious and difficult debate we went through.

In fact, the member for Mississauga South will recall that she and I and the mayor and others had to lead a delegation directly to Premier Bill Davis's office, to ask him to intervene and convince the minister of the day to put up proper noise berms and sound attenuation walls to protect the residents in the Erin Mills community and the central part of the city of Mississauga

from the expected increase in noise from the traffic.

In any event, the highway opened. I remember the day well. There was not a car on it; we had a ceremony and there was a ribbon-cutting. At that time, as members can imagine, the major east-west arteries through Mississauga were the Queen Elizabeth Way, Dundas Street and Highway 401 at the top. It was curious to see how short a time it took before Highway 403 became almost another parking lot.

The traffic volumes have risen substantially. It is literally "stop and go to slow," to use the radio announcer's colloquialism, in rush hour traffic. It is hard to understand where all the cars come from. Clearly, they came from the growth in our region and regions to the west of us. I should tell the members also that it is not just residential growth and it is not just residential communities that this extension which the member for Mississauga North refers to in his resolution will serve.

The city of Mississauga has been really thought of improperly, in terms of being a suburb. The reality is that it is a city unto itself and is a net importer of jobs each and every day into our city from areas outside of the city of Mississauga; in essence, meaning that more people come to work in our city every day than leave. The traffic flow is not only to the east; it is also very substantial to the west.

The member for Mississauga North referred to 300 trucking companies. I met with the Ontario Trucking Association yesterday in my role as a small business advocate. They informed me that Mississauga is considered the trucking capital of not just Ontario, but indeed all of Canada. I think all you need to do is spend some time in the Dixie Road-Highway 401 area to find out that is true.

One of the previous speakers referred to Lester B. Pearson International Airport. I understand that we have problems again this morning: there were some 22 aircraft lined up on one runway to take off. But the reality is that we have the busiest airport in Canada, and one of the busiest airports in North America, sitting right in the middle of the city of Mississauga. How are we to get the traffic to and from?

We can talk about public transit systems, and we should be moving toward more viable ways of moving the public in public transit systems, but the reality is that our commercial, industrial and residential communities are extremely reliant on the automobile and the truck as methods of moving goods and people. We want to do all we can to encourage car pooling and van pooling and



to take vehicles off the road wherever we can, but we have to be realistic and understand that the traffic is there and it must be moved.

Our city has experienced a tremendous growth in the high-technology area. I have had the opportunity to participate at the openings of the offices of a number of new corporations that have come in from the United States, perhaps as a result of free trade or perhaps just simply because their particular products are not subject to duties or tariffs in any event. But we have a tremendous increase in the number of high-tech industries that are opening in our city.

As a result of that, of course, our employment figures increase and those people have to get to work somehow. Both the speakers from Mississauga have referred to the region of Peel. I also have some statistics that I would like to share with the members. I would like to share some examples of improvements that would occur if Highway 407 were put into place, as requested in this resolution. For example, Winston Churchill Boulevard, according to region of Peel staff, would have a 25 per cent reduction in volume capacity ratio and the level of service would improve from a present rating of F to a D.

Mississauga Road would reduce 16 per cent in volume capacity ratio; Mavis Road, 17 per cent; Highway 10, 17 per cent; Highway 410 leading into Brampton, 21 per cent; Dixie Road, which is terribly congested, would reduce nine per cent, and Highway 7 across the top of Brampton would reduce up to 28 per cent in volume capacity. Adjacent arterial corridors such as Steeles Avenue and Derry Road will experience significantly reduced congestion, and there will be improved interchange operation at Highway 401, Highway 403 and Highway 410, and also at Highway 401 and Dixie Road which is a disaster area, and at Highway 401 and Highway 427.

1040

There would be substantially improved truck movements and improved safety. It really would allow for orderly growth. One of the downsides, if this decision is not made in the way the resolution lays out, is that there would be tremendous impact on land use development and future growth due to inadequate roadway facilities, according to the staff at the region of Peel.

In summary, I want to congratulate the member for this resolution. I totally support it. We cannot argue against growth in Durham, York or even in some parts of east Metro, but we must look at the facts. If we analyse the figures and the growth, the facts say clearly that the region of Peel is growing at the quickest rate. We

have more problems and congestion and we need this extension very badly.

**Mr. Charlton:** I rise this morning to speak to this resolution presented by the member for Mississauga North. I will be supporting this resolution, but I want to say at the outset that I am not very happy about having to do that. I will go into a number of reasons why.

The fact we are here today debating a private member's resolution to try to ask the government to do what it should have done anyway is the first reason I am not very happy about having to be here supporting this resolution today.

The second reason is an extension of that reason and of the fact that although in this Legislature and in the municipal councils around this province we have talked about planning till many of us have become nauseous, the need for this resolution is a reflection of our failure in the area of planning the development of this province in an orderly fashion.

We are still in a phase of development in this province where we bump from crisis to crisis, rather than thinking through the growth and development of the urban centres in this province and the interconnection between those centres, whether it be highway, rail or bus interconnection. I guess the member for Mississauga West mentioned it during the course of his comments, specifically about Highway 403 and Mississauga, when he essentially said, and I am not sure if this is quoting him exactly, that Mississauga had not developed properly, that it was a problem.

**Mr. Mahoney:** I did not say that.

**Mr. Charlton:** It is not an exact quote, but if he goes back to Hansard he will find the reference to which I am referring.

**Mr. Mahoney:** It is not even close.

**Mr. Charlton:** At any rate, the member was exactly correct—we can all take the time to check his quote—in terms of the inappropriate way the development has occurred.

I recall being in this Legislature 11 years ago when members were standing in this House talking about their fears of the way the greater Metro region would develop and about the transportation problems it would cause, yet in 1988 we are here yet again, trying to push to see put in place a partial resolution of the problems that were prophesied.

In Hamilton, we have just been through a 10-year battle that at some points got particularly nasty, around an east-west freeway across the top of the escarpment and a north-south freeway



down through Redhill Creek Valley in order to try and resolve some transportation problems that had not been thought through and had not been planned for in the Hamilton-Wentworth region.

Again, the member for Mississauga West made reference in his speech to the industrial growth that has gone on in Mississauga. Much of the debate around our expressway and freeway situation was around an industrial park; in fact, it had been placed where it never should have been placed in the first place.

We have a situation here where some of my colleagues from the north would likely have real difficulty supporting this resolution because of the disastrous situation they face in terms of road transport in the north, a situation where they get \$30 million in a budget for road construction, or if my recollection serves me correctly, about 20 miles of highway in northern Ontario. To northerners, it becomes a serious joke when they have to look at the transportation problems they are faced with.

**Mr. Wildman:** I do not mind as long they build the same kinds of roads in Peel that we have in the north.

**Mr. Charlton:** The member for Algoma perhaps has a very good point there.

I recall that 30 years ago, when we built subdivisions in this province, we would put in the sewers and the water and a gravel road and no sidewalks, and new home owners moved into mud patches. It used to be four, five, six, sometimes seven years before you had a paved road and sidewalks in those new subdivisions. We finally came to the conclusion that was not an appropriate way to continue to build residential developments in Ontario.

We now see the developers in this province required to put in the paved roads and sidewalks along with the housing developments. It is a very logical and well-thought-through process, but we have not gone the next step. We have not had the province, the senior level of government in terms of development issues, seriously looking at where and in which municipalities those housing developments are going in, and at what rate they are going in.

Are they going in in an orderly fashion? Do the roadway systems that are in place allow for a real accommodation of that new survey, or do we need to put in a better roadway infrastructure before we allow that new subdivision to go in? We do not plan and we end up in situations such as we have now in Peel, specifically in Mississauga, where to remedy a problem we need an extension of the 407 westward.

We also need an extension of the 407 eastward. We also need major changes to the Queen Elizabeth Way complex down into the Niagara Peninsula. Those members who get on to that route on a daily basis know the problems that exist. We have been through a 10-, 12- or even 15-year debate around the GO train service, and Hamilton and Oshawa. We heard comments in the Legislature just recently, this week, about the new stations that have been opened in the Oshawa area. A member had to stand up here in the House and raise the issue, "Well, we have the service now, but we have no way to get to it because the parking lots are all full."

This is a clear indication of the almost total lack of planning that goes into the building of the transportation infrastructure in this province. That to me is the very essence of the problem with this resolution.

### 1050

I certainly understand why the member for Mississauga North has brought the resolution forward. On the other hand, I am saying to the member for Mississauga North that if each of us, as members of this Legislature who have real transportation problems that affect the communities we live in, brought forward a private member's resolution to try to goad the government into resolving the transportation problem he has in his own community, there would be so many private member's resolutions on transportation issues being passed by this Legislature that we would be no further ahead. The government would have all these resolutions the House has passed and it would still have to allocate dollars to those it could budget for.

I will support the member's resolution, but I am not happy to have to do that because of what it reflects of the failure of this government and the previous government to deal in a planned way with the growth and expansion of development in the province, leaving us in the position of stumbling from crisis to crisis as we allow growth and development to occur without the infrastructure in place to accommodate that growth.

**Mr. Jackson:** I am very pleased to rise this morning and support the resolution by the member for Mississauga North. I am delighted that he and his party are taking this occasion to renew their interest in and support for these critical public works and for the importance and integrity of a strong transportation network in southern Ontario.

I know that members of the Progressive Conservative caucus have been made aware of these concerns. We did not need a private



member's bill to bring the matter to our attention. I know that the member for Markham (Mr. Cousens) has shown outstanding efforts in his area in support of this and other projects that build on this badly needed transportation link and the completion of those projects.

It is appropriate for me to comment that the Conservative caucus, at least, has been well apprised. It is the number one priority of the member for Markham and he has brought it to our attention.

I will be supporting the resolution, but I invite the member to support not only his project but the extension of Highway 403 in Halton region, which also satisfies all the conditions he has set out in his resolution. It lies between the Hamilton-United States areas and Metropolitan Toronto. It is necessary because of the rapid growth we are experiencing in Halton region adjacent to Mississauga.

This Highway 403 linkage also serves the needs of Lester B. Pearson International Airport and Hamilton Airport. As all members of this House are aware, there has been considerable discussion in the media about further utilizing this airport in the Hamilton area to relieve the congestion around Pearson.

I am afraid the member for Mississauga North and his constituents are going to be in for a disappointment, because they share an empathy with the member for and the constituents from Burlington South who have come to realize that they cannot expect the Peterson government to act on the facts, reasons, logic and sound management decisions that should come from this government, but are not coming from this government with respect to transportation construction.

When asked these questions, the government has been on record as stating that highway programming is not an exact science. That is what it indicates as the reason it has been unable to complete these projects. In other words, do not expect things to happen.

Most members of this House are aware that an efficient transportation network is essential for many reasons, one of which is commerce, primarily to help industries with a competitive advantage, which is important to their profitable position and the creation of jobs. Our standard of living is part of the needs that are met by an efficient transportation system.

Also, there are millions of dollars earned in tourism. American tourists have been coming to southern Ontario. They overcome the most expensive gas prices they will ever see. They

overcome probably the most expensive food and clothing prices they will ever see, as tourists in this area. But one thing Americans and other tourists who come to our province will not tolerate is sitting in traffic jams that are akin to what we hear and see is going on in Los Angeles.

Transportation, therefore, is a government investment and we certainly hope that implicit in the member's resolution is that he will communicate to the minister that we recognize its importance.

This resolution is important to the residents of Mississauga and the greater area, but it is also important to the residents of Halton when we look at the Highway 403 extension. It is apparent there is somewhat of a contradiction on the part of the government in terms of its stated support during the last two provincial elections and what it is actually realizing in terms of the commitment of dollars to southern Ontario road construction.

In fact, in 1987-88, the Liberal government spent \$296 million on highway construction. However, in 1988-89, the Liberal government's spending will be \$249 million in highway construction. That is a decrease of \$47 million. It clearly demonstrates the decreasing priority this Liberal government is placing on transportation construction. That is why I hope the member is not too optimistic about the government acting on his resolution.

Another contradiction is what we see from our Treasurer (Mr. R. F. Nixon), who controls the purse-strings of the highway construction the member is looking for. We saw the largest single tax grab in our history in 1988. Did any of that new money go towards the member's resolution, or for that matter to the 403 extension and the needs in Halton region? No, it did not.

In fact, the Minister of Transportation, according to the Provincial Auditor, inappropriately intervened. I quote from the auditor's report. He said, "We were informed that several projects were undertaken based on ministerial override." Projects of lesser importance, roads without even fatality ratings, were given priority over construction requests similar to that of the member for Mississauga North and the requests we have been articulating in Halton region.

We had, for example, an 11 per cent increase in revenues for this province, but our transportation budget was cut by \$47 million, so we have a reduction in priority, a reduction in spending, and in fact a ministerial override to complicate matters.

The member himself will be making a strong pitch for his highway construction needs, but

another concern we have is that despite all the traffic volume figures he quotes in the House, despite the recognized growth that his community, like Halton, will experience, and despite the money we will save because of increased efficiencies—in spite of all these good arguments—we have a government that appears not to listen to those facts and to the sound reasons being presented by all members of the House today.

I urge the Minister of Transportation and the Treasurer to look seriously at the project in the resolution, as well as the project in Halton, because the two are interconnected. I ask the government to stop referring to the fact that highway programming is not an exact science. I ask that the needs of the region of Halton and Mississauga be met as a priority.

**Mr. Offer:** In terms of my final three minutes and 45 seconds, and with the permission of the member for Burlington South (Mr. Jackson), if I may, I will give two minutes of that to the member for Brampton North.

**Some hon. members:** Agreed.

1100

**Mr. McClelland:** I want to thank my colleagues for giving me the opportunity to add a few words to the debate on the resolution this morning.

My friend the member for Burlington South has mentioned the impact of this resolution on his community. I want to add, on behalf of my colleague the member for Brampton South and myself representing Brampton North, that the need for looking at the extension of Highway 407 westward would also impact Brampton significantly.

As I came in here this morning, I spent some 35 minutes travelling a little less than five kilometres. There is no question in my mind, as we look at the tremendous growth in the area of Brampton North, that the pressures will continue.

By way of example, our city council has recently approved a development that will bring some 70,000 new people into the riding of Brampton North in the next few years: 14,000 homes, 70,000 people. That is obviously going to bring tremendous pressures. There is no question that the need for Highway 407 linking to Highway 10 will be realized in a very significant manner in the next few years.

I want to associate myself particularly with the comments of my colleagues in support of this resolution this morning, most particularly my colleague the member for Mississauga North, who put forward the resolution, and my col-

league the member for Mississauga West. I want to thank them for the work they have been doing for the greater region of Peel. Brampton is a very important part of that region and we are among the highest-growth areas in the province.

I think the resolution is very timely. It is one that looks to the future and looks to the future of the community I represent as well.

Thank you, Mr. Speaker, for the opportunity of speaking to this matter and I urge my colleagues to support it.

**Mr. Offer:** I would like to thank all my colleagues for their support of this resolution. I have every confidence and faith that when that final decision is to be made by the Minister of Transportation, it will be made on the basis of the evidence which has been put forward very well by the region of Peel and by all those who have been involved in the compilation of such an exhaustive report.

In conclusion, it could best be stated as it is stated in the report of Peel:

"The construction of Highway 407 in Peel will benefit the region and the central section of Ontario in many respects. It will connect Peel, Halton, York and Metro. It will improve the accessibility of many residents and workers to jobs, shopping centres and industrial areas for both private cars and commercial vehicles. It will relieve congestion and improve the level of service on Highway 401, Highway 7 and on other major highways and interchanges. It will improve highway system operations in general. It will ease truck movements and improve traffic safety. Finally, it will enhance development in the region."

I think it is fair to say that it will enhance development not only in the region of Peel but in all surrounding regions. The information provided to me by the region of Peel and the comments made by the honourable members in this Legislature provide a force, an argument, a reason and a justification that the Minister of Transportation should extend Highway 407 westward from Highway 427 to Highway 10.

#### MOTOR VEHICLE DEALERS AMENDMENT ACT

Miss Nicholas moved second reading of Bill 191, An Act to amend the Motor Vehicle Dealers Act.

**The Acting Speaker (Mr. M. C. Ray):** The member will know she has up to 20 minutes to make her presentation and may reserve any portion thereof.



**Miss Nicholas:** It gives me great pleasure to move my first bill in the House and to discuss it here this morning.

My bill is aimed at making our consumer knowledgeable. I would like to just outline briefly what it entails in short form and then perhaps go into a bit more detail as I move along.

What this bill entails is that you will be notified, when you purchase a car, how long it is going to take for it to be delivered to you if it is being ordered from the manufacturer. How many of us have gone in to buy a car and been told by the salesperson, "It's going to take six weeks for this car to be delivered; no problem."

Purchasing a car now is perhaps the second-largest purchase that consumers will ever make in a lifetime—it may be the largest if they have not bought a house or cannot afford a house—so it is a proud day for them when they go out and purchase their vehicle. When they are told it is going to arrive in six weeks, what happens when it does not arrive in six weeks?

What this bill aims at is trying to get the dealer or the salesman not to say it will be six weeks when he does not know how long it is going to be before it is delivered. What we are asking for is that the consumers know how long it will take for their car to be delivered. Also, if they are notified it is going to be over 90 days before the car is delivered—that is, 13 weeks or three months—and they do not want to wait longer than 90 days or three months because the salesman said six weeks and now they get notified that it is going to be over three months, and they do not want to wait that long, what this bill provides for is that at that point they get their deposit returned immediately. They do not have to wait three months for their deposit to be returned; they get it returned immediately and they can seek another way of purchasing their car.

The second part involves what happens if they are notified after they have purchased their car that they are going to get delivery after a rebate period has expired. If the manufacturer offers a rebate of \$500 or \$750 and it is on the date of delivery and they now know that their car delivery is going to be beyond that rebate period, then what happens is that they get their car and they no longer get the \$750 to apply against the cost of the car. In this bill, if it appears as though the delivery date is going to be beyond the time in which the rebate is offered, the purchaser can get his deposit back and decide on an alternative way of purchasing his car.

I would like to go back to the first point, about notifying how long car delivery will take. The

contract is quite complex. We look at it and fill in all these little boxes; they ensure that every option you are putting in your car is listed on your contract. In addition to that, it lists your trade-in and how many miles it has. It gives the purchase price, the date of the purchase and all these particulars. But the one thing that is not on your contract when you sign it is when you should expect to receive your car. That is not on the contract anywhere.

I will bet here, today, that more often than not the salesperson does provide you with an estimate of how long it is going to take for your car to come. They are going to say six or seven weeks, and you have no recourse when it does not arrive in six weeks, none whatsoever. He is promising something that he cannot deliver.

Perhaps a shoddy salesman might promise something he cannot deliver. He might say four weeks—anything to make that deal on that day. He cannot promise delivery of that same vehicle any faster than the dealer across the street who is selling the same model and same make, but he has said to you, "Four weeks." Perhaps you have believed him because he said, "I'm going to get that for you in four weeks." Salesmen really do not know at the time of signing the contract how long it is going to take to get that car.

The manufacturers have approached me since I put this bill forward and they say they cannot even tell for two or three weeks how long it is going to take them to provide that car. How can the salesman at the time of signing the contract say how long it is going to be?

I think it is very important that we put it into more than just a verbal agreement because when you come back in six weeks and say, "Where is my car?" the salesman says, "Another two weeks," "Another three weeks," or whatever. It is only a verbal contract; there is no recourse, and there you are still waiting for your car.

If you know it is going to take more than three months for your car to be delivered you may still want it, if it is going to take 90 days or three months. You may say: "Yes, that's the way I want my car. I'm going to wait for that car." At least you know how long it is going to take.

If one is in the position, which many of our members are not, of wanting to buy a Jaguar, and goes in and buys the Jaguar, they will say that it is going to take six months for the car to come. They know it takes six months, maybe a year to get a Jaguar. The point is that you say: "I really want a Jaguar. I'm going to wait six months for that car to come." But at least you know how long it is going to take.



If you are told that it is going to take more than three months, you may say: "What I'd like to do is buy another car. I'd like to buy one off the lot." Quite often when you purchase one off the lot these days, it is loaded with all the extras: two-tone paint, air-conditioning plus upholstery. Either there are all sorts of extras in the car, or it is a bare care: it has a stick shift, no radio and absolutely nothing going for it. You might go for the car with the extras or you might go for the bare car and say, "I'm going to take this home and put in my own radio."

#### 1110

If you knew that you were going to have to wait three months to get your car, you may not want to wait that long. What happens if your own car is breaking down? That is why most people go out and buy a car: because their car is breaking down and they need a new one. They are going to wait three months; they do not want to wait three months. They are travelling on the Toronto Transit Commission as an alternative and it may not be convenient for their business.

They may incur repairs to their trade-in car. Their trade-in car may break down in those three months and they have to go and fix a car that they plan to use for only a few more weeks. They incur the cost because they are waiting three months for their car. They might just be without a car and they are waiting for three months after.

The point is that if they want to wait three months, they can and get the car that they want. But if they do not want to wait, if they are going to be told it is going to be longer than three months, they are going to be able to get their deposit back and make another deal. That will be fair and equitable to knowledgeable consumers, and they will be happy and better for it.

What this bill requires is that after 14 days of signing your contract, you will be notified of the potential date of delivery of your car. Currently, there is no obligation to notify. You wait 90 days and then they may say to you it is going to be another two or three days. But until that 90-day period, they do not have to tell you when your car is coming. You may have a salesperson who says, "Listen, I know when your car is going to be built," and tells you, but there is no obligation. But I can tell members that in most instances they do not try to find out when your car is being delivered unless you really push them and say, "I want that car; when can I get it?"

At 90 days, of course you will say, "I'm willing to wait another four days if it is going to be 94 days," but if you had known at the outset that it was going to take 94 days for your car to be

delivered, I think you might have thought differently of it. In this way, you have to wait the 90 days, find out your car is not being delivered and then, if you do not want it any more, go elsewhere and wait another period of time for another car or buy one off the lot, or do something else. If your car is going to be delivered in less than 90 days—if it is going to be delivered in 88 days—the point is you are still bound by the contract, you are still taking that car, but at least you know you are going to be waiting 88 days for your car to come. At least you are a knowledgeable consumer; you know how long it is going to take and you can make other provisions, but you are not still waiting every day for this magic car to arrive after four or six weeks, as promised.

This bill may provide people with alternatives. If they find out it is going to be more than 90 days, they may buy the one off the lot that I have mentioned. They might buy a different model. They might go elsewhere for a car that might be in inventory at a dealer's. They might buy a demonstrator. They might seek alternative modes if they knew it was going to take a quarter of a year for their car to come. Yet they might decide they really want that car and they will wait.

The second part of this bill is the rebate portion. Many of us have seen a little ad in the newspaper, where it says, "\$750 back." How many people read the little line at the bottom that says, "Your car must be delivered before"—in this instance—"December 31, 1988"? If your car is delivered January 2, there is no rebate. When you bought that car and you counted on that \$750 towards the purchase price and you find out on January 2, "Sorry, it's past the date of the rebate offer—it was aimed at getting rid of the inventory; it was aimed at this, or it was aimed at that—you don't get \$750," I would say that really reflects on the manufacturer.

It may not have been the manufacturer. The manufacturer knew that it could not provide the car in time, but the salesman may have said six weeks' delivery. If it is November 1, you think: "Okay, that is December 15 or so, and I have two weeks' leeway. Things can slow down, but I am still going to qualify for the rebate."

Then what happens is the manufacturer says: "Oh, but those are taking 10, 12 or 14 weeks. The salesman should have known that." But there you are: The rebate period has expired, you have no rebate, and you are still bound to your contract to buy that car.



In many instances people may still want that car; but they may not. Had they known that they would not be getting the \$750 rebate, they might have made a different deal. They might have bought a car off the lot with one or two extra options. It was \$300 more, but they could have bought that, got the \$750 rebate and been further ahead than buying a less glitzy car from the manufacturer without the extras and not qualifying for the \$750.

I think it is important that the consumers know what is involved when they purchase a car in terms of the delivery and what are the obligations in terms of paying the rebate if it is delivered beyond the time. Many people may seek alternatives, or may buy different options on their car, but they may very well just decide to continue with the car. I would say that \$750 would make a big difference when purchasing a \$10,000 or \$12,000 car in terms of the rebate, qualifying for it and perhaps budgeting to purchase your car.

The problem is that you may base your decision on something you are told by the salesperson. I tell you today that I have been assured that a salesperson cannot tell you at the time of the contract when you are going to get your car. When they say six or eight weeks, they really do not know. Should we be keeping this information from the consumer?

The intent of this bill is to protect the consumer. The agreement is against unfair sales practices. I applaud the manufacturers who produce the cars; they are doing an excellent job in Canada of producing cars that we can all be proud of. They are innovative each year. There are more styles and more kinds. We should be proud of that.

Imagine the consumers who wonder why a manufacturer has not produced their car in the time in which the salesperson promised it. They may not purchase another GM or Ford that was made here because they blame it on the manufacturer. But it was not the manufacturers' fault at all. They have a schedule. They try to do it in a manner that is prompt and efficient. In fact, they cannot deliver the way the salesman has promised.

This particular bill is to seek equity at the dealer level and to recognize that the date of delivery is a mere verbal contract between the salesperson and the consumer and that the salesperson cannot do anything to provide that car in the time in which he has promised. Many people are frustrated when six weeks pass and they do not have their car; they call the dealership

and are told, "Well, it'll be a few more days." After 10 weeks, at that point, the salesperson might actually check for them when it is coming.

Consumers should not be put in that position; they are making a very important purchase in their life. They should be entitled to know when they are getting their car, when they should expect it and when they can drive off that lot proud with their new car. That is the intent of the bill. I ask the members to support it today.

I would like to reserve the rest of my time to the end.

**Mr. Farnan:** Car sales is an honourable profession. In fact, a former Premier of Ontario was a motor vehicle dealer and salesman. Many of my friends in Cambridge run car dealerships; they are fine corporate citizens contributing to our community—hospitals, minor sports and every conceivable charitable organization.

The employees and staff of these dealerships, for the most part, are dedicated professionals—men and women doing a job and doing it well: knowledgeable and informed; courteous for the most part; nonpressurized sales, attempting to fit the customer's financial circumstance to his or her purchase. They are employees like any other group of employees. They live and worship in the community. They raise their families. Their lives revolve around their families, their neighbours and their friends. They attempt to provide honest, efficient service. They earn community respect and recognition for this service.

As in any other profession, men and women in car sales are protective of their good name, integrity and reputation. They are career professionals. They invest in their future by the quality of the service they provide. They are honest; they would rather lose a sale than make a questionable deal.

Despite all of this, there are circumstances beyond the control of car sales personnel and they may make a contract to supply a car by a specific date and not be able to deliver it, through no fault of their own.

#### 1120

Like any profession, there will be exceptions to the high professional standards set by the majority, individuals who compromise the integrity and honesty of their colleagues by the use of either pressurized sales or by making promises to be able to deliver a car by a specific date, knowing very well they cannot make good their promise.

I preface my remarks to Bill 191 with these comments because I do not believe the bill in any way reflects on the honesty and integrity of car



dealerships and the men and women who work there. Indeed, I believe that the professionals within the industry will welcome these amendments to the Motor Vehicle Dealers Act. I believe the industry will make the necessary adjustments to make the changes that these amendments call for.

Professional motor vehicle dealers, more than anyone else, are conscious of the importance and significance of the purchase of a car. Next to purchasing a home, it is the most important financial purchase made by most individuals and families. Due to the increasingly essential importance and need and due to our reliance on the car as a means of transportation, it is a purchase that is also repeated several times in a lifetime and increases its significance. Cars must be replaced as a result of wear and tear and as a result of accidents.

It is essential then that we have built-in protections for the consumer. The consumer has the right to know in advance precisely when the car will be delivered. The sales staff may quote four to six weeks, there may well be standard waiting periods stipulated by the manufacturers and the manufacturers may not be able to meet their time deadlines. This will often result in embarrassment for the sales staff. I think you will find that professional sales staff will warn the prospective purchaser of the potential for delays and very often will stipulate a prolonged time delay in delivery, based on their knowledge and experience of the industry.

The amendments contained in this bill will provide the purchaser with a specific time, 90 days, in which to expect delivery. The fact that the purchaser can cancel his order if this deadline is not met will put considerable pressure on the manufacturers to develop more efficient delivery schedules.

I can tell members that if this is the result of the amendments to the act, there will be no happier people than the professionals in the motor vehicle sales industry. The professionals in the industry will also welcome the fact that individual car salesmen will be less inclined to make promises of delivery dates that they cannot honour. The reputation of the many honest professionals benefits when we curb the abuses of the few.

The amendments recognize that, even with the more specific deadlines, unavoidable delays can occur. However, the amendments contained in Bill 191 provide the purchaser with additional flexibility.

Currently, if the car is not delivered within 90 days, the purchaser can cancel the agreement and

is entitled to a return of any deposit paid. However, the purchaser has to wait three months to exercise this option. This bill will require the dealer to inform the purchaser of how long it will take for delivery, and if it is in excess of 90 days, the purchaser can re-evaluate whether he is in a position to wait three or more months for the car, and if this is not appropriate, seek an alternative mode of purchasing a car; for example, to buy a car off the lot, to choose a different model or go elsewhere.

Finally, the amendments suggested deal with the whole area of rebate offers. Most, if not all, rebate offers are recoverable only if the car is delivered within the period of time the rebate offer lasts. A purchaser may very well enter into a deal on the basis of counting on receiving a \$750 rebate towards the purchase price. Presently, if the purchaser had known that he would not be entitled to the rebate because his car is being delivered after the rebate offer has expired, he might have made a different deal or not entered into the deal at all, because he needed \$750 to be able to pay the purchase price. This bill allows the purchaser to cancel the contract if he is not entitled to the rebate offer.

My friends, consumer and commercial relations is a whole area that requires a finely tuned system of checks and balances. We are dealing essentially with the provision of goods and services and we must attempt to balance the needs and rights of the consumer with those of the manufacturer and sales divisions. Quality goods, quality service and clearly defined rights and responsibilities for both the consumer and the provider are necessary. This is particularly true in an area that affects such a significant percentage of our population and the item being purchased is such a considerable investment.

I believe that for the most part we are very well served by the dedicated professionals in the motor vehicle sales area, but that the motor vehicle manufacturers must develop greater efficiencies to allow the sales personnel to provide a service which is reliable in terms of delivery dates. It stands to reason that the sales personnel in a motor dealership, those honest professionals, would like nothing better than to be able to sit down across the table from the customer and say, "Look, these are the delivery schedules of the manufacturer. This is what I can promise you," and then to be able to deliver on time.

I know that the member, in moving this bill, recognizes the fact that what she is attempting to do with this bill is to build in expectations that



can be lived up to, expectations that the purchaser can understand, that can be explained to the purchaser so that he will know that when he makes the contract he will indeed have a car delivered 90 days after that contract or at whatever time is stipulated.

Bill 191, in my view, is an excellent bill. It contributes the fine-tuning that is necessary to balance the consumer rights and industry responsibilities. I commend the member for Scarborough Centre (Miss Nicholas) and I urge the unanimous support of the House for private member's Bill 119.

**Mr. Runciman:** I am afraid that I have to inform the member for Cambridge (Mr. Farnan) that unanimous support is not forthcoming.

I find it passing strange that he spends some time praising motor vehicle dealers in his own area and at the same time is supporting legislation that is in effect coming down very hard on them for the responsibilities of manufacturers, which, indeed, he suggested was the case. He is supporting legislation that is really, in our view, directed at the wrong people. I have to wonder if indeed prior to making his comments here today he discussed this particular piece of legislation with motor vehicle dealers in his own area to see if they shared his views in this respect. I suspect that kind of support would be limited, to say the least.

In any event, we think this legislation treats all motor dealers as bad actors. The member for Cambridge indicated that most are very honourable people doing a good job and serving their communities, and we share that view. As a result of that, we do not like this sort of legislation which tars them all with the same brush and indicates, because there are a few bad actors out there, that the government once again has to intervene and has to stick its nose into the private sector. In effect, what this is doing is attempting to kill a mosquito with an elephant gun, and we are not going to be supportive of that kind of initiative.

The member who is sponsoring this legislation, the member for Scarborough Centre, mentioned her concern about individuals purchasing Jaguars. I just want to emphasize that point. I know that not too many members of this assembly are in the fortunate position to even have the opportunity to consider the acquisition of a Jaguar, but apparently that is a major concern of hers. Perhaps she should have considered retitling this legislation the Wealthy Consumer Act or perhaps the trendy Toronto set legislation. Something along those lines may have addressed

her real concerns and sent the message out very clearly.

**1130**

It is interesting to know that the member for Cambridge is also very supportive of those people out in his community who are searching for a quick response in terms of getting their Jaguar delivered to their homes. It is very interesting to know that is also a concern of the member for Cambridge. In any event, we do not doubt that there are some problems out there. They do exist, but there is no doubt in our view that this legislation is an overreaction.

As the member for Scarborough Centre should be aware, there is a legislative review process under way dealing with all consumer legislation at the provincial level. That process involves, as I understand it, consultation with all the players in this area, including the auto associations. Again, I have to pose the question. The member is going to have time to respond, but I think it would be interesting to know whether, in preparation of her piece of legislation, she consulted with any of the auto associations and what kind of reaction she got from them in respect to the wording of her bill.

I talked about the member for Cambridge. It is surprising when you think about the nationalistic approach they traditionally take; you would think that because of their support for things Canadian, they would all be driving three-cylinder beavers, but in effect, that is not the case. We see the member for Cambridge supporting a Jaguar purchase, apparently, and in my own riding I was astonished to see the candidate who ran for the New Democratic Party a couple of years ago driving around the community in a red Lada. This is from the party that supports Canadian manufacturers and everything Canadian. It certainly raises a lot of questions and a lot of doubts about the real commitment in respect to that party.

We want to talk about some of the specifics in respect to this legislation and I would like to put a few things on the record in the limited time I do have.

Imported vehicle dealers—and this again touches on manufacturers like Jaguar, Toyota, etc.—do not give delivery dates to the customers. It is because they cannot. The vehicles are manufactured offshore, for the most part, so delivery is virtually impossible in many instances to guarantee in terms of the tight time frame the member is suggesting in her legislation.

Within a month, the manufacturer can give the dealer, the customer, the expected date of



delivery. If subsection 23a(2) becomes reality, lawyers have advised the auto dealers that it would allow customers to sue them if vehicles are not delivered on or before the delivery date promised. One effect of this could be a tying up of the small claims court and, in essence, rather than helping consumers could have the ultimate effect of driving up the cost of motor vehicles.

**Miss Nicholas:** Oh, the only way the little guy gets justice is small claims court.

**Mr. Runciman:** I want to make sure the member heard that. It could have the ultimate effect of driving up the cost of motor vehicles.

**Mr. Kanter:** Did Bill Davis write that?

**Mr. Runciman:** Listen, we are having interjections from another member of the trendy Toronto set. I am sure the member for St. Andrew-St. Patrick (Mr. Kanter), we should put on the record, probably does drive a Jaguar. We are very understanding of where he is coming from.

**Mr. Farnan:** Would you not like to have a few more Toronto members yourselves?

**Mr. Runciman:** Not a bad idea.

Once a car is ordered, the information is sent by computer to the manufacturer, where the process begins and within a month the ordered vehicle is given a serial number. Once the vehicle is serialized, it becomes a dealer's vehicle and if the purchase order is cancelled by the customer after this serialization, the dealer is still committed to taking possession of the vehicle and may have to take a loss to sell it from his lot. I do not know if the member for Cambridge was aware of that.

It is a very important consideration when we are trying to reach a decision in respect to this particular piece of legislation and the message it sends out. We realize that this is a private member's resolution, and it may not go beyond this stage, but, even if it does not, I think it sends out the wrong message. We have to appreciate that one out of every seven people in Ontario works for the auto industry or related businesses.

We are now moving into a free trade environment in this country, and I think, with some justification, that this government has developed a reputation as an antibusiness government. It has never hesitated to stick its nose into the private sector. One recent example of that, of course, is the auto insurance field, where the government has got itself into a sorry mess, indeed, and the consumers of this province into a sorry mess, as well. That is the sort of initiative that this government is becoming known for, and

this bill follows along those same lines in going into areas where there is no real need, with a very significant intervention on the part of the government. We simply cannot support it.

I understand that the member who submitted this piece of legislation has had a negative experience in this area. We can appreciate that and we can appreciate the feelings she may have as a result of that situation. I am not sure if that is the case or not, and she may wish to comment on that in her summing up as well. We all draw on life's experiences, it is part of our role in here as well, to assist us in reaching decisions and taking positions. But I think as legislators we have a special responsibility in terms of how we draw on those life experiences, especially the negative ones, to ensure that we do not overreact and perhaps in some circumstances take advantage of our special position in the community. I simply wanted to offer that cautionary note to the member.

In any event, we feel that this is a regrettable piece of legislation. We remind members that there is a legislative review process under way. The Ministry of Consumer and Commercial Relations, in the new year, is going to be bringing forth legislation which will deal with matters such as the concerns the member has brought forward, and perhaps—I am hopeful anyway—in a less heavy-handed manner, in a less intrusive manner in terms of intervention in the private sector.

**Mr. Haggerty:** I want to add a few comments on Bill 191, moved by the member for Scarborough Centre, which addresses the consumer's concerns when a motor vehicle dealer cannot deliver a new vehicle within 90 days of the offer to purchase or prior to the cancellation of the manufacturer's rebate expiry date.

The member for Leeds-Grenville (Mr. Runciman) did not comment on that section. It says: "An Act to amend the Motor Vehicle Dealers Act." A normal contract form is signed by the purchaser and dealer, as the member for Cambridge had said in his comments, and the 90 days has worked very well, I think.

I have a copy of an agreement here and I happened to pick it up from my trustworthy dealer in Port Colborne, who happens to be a General Motors dealer. It says: "Delivery by dealer: It is mutually understood and agreed that when the motor vehicle herein described is a new motor vehicle and the dealer is unable to make delivery within three months of the date of the contract, the dealer shall forthwith notify the purchaser on expiration of the three-month



period." To go on to another section of it, "The agreement may be extended within five days," and there is a penalty clause in there, too, I guess. So there is a working agreement there that is acceptable to all consumers, pretty well.

There may be the odd problem there. I have had some concerns brought to my attention in which a person who was buying from offshore had to wait eight months. It was a specially made car, you might say, from Japan, but he loved the car and he waited for it and he got it; but there was an additional expense to it that he was not too happy about. On two occasions it was brought to my attention.

**1140**

There are some protection measures there now that I think we can accept. A proposed amendment set out in the bill requires dealers to notify consumers of the expected date of delivery. The times that I have bought a number of cars, I never had any problems in this area, but the explanatory note is "The bill requires motor vehicle dealers, within 14 days of entering into an agreement for the purchase and sale of a new motor vehicle, to notify purchasers of the expected date of delivery. This date is made a term of the agreement."

"The bill provides purchasers with the right to rescind an agreement where the expected date of delivery is later than 90 days after the date...."

The bill also addresses consumer concerns when the automobile dealers cannot deliver a vehicle within the 90 days' time or when the consumer will lose the benefit of the manufacturer's responsibility, particularly where the loss of a rebate is at issue on delivery past the closing date. I think the member for Cambridge mentioned the efficiency in the manufacturing area. They could perhaps be a little more prompt in this area. It does not happen that often.

The amendment enhances the consumer's choice by allowing the consumer to make buying decisions as soon as the dealer is aware that the vehicle will not be available rather than having to wait the normal 90 days' delivery by the dealer on conditions of sale on contract. Where the dealer is unable to make the delivery within three months of the date of the contract, the dealer shall forthwith notify the purchaser of the expiration date of the three-month period. I find no difficulty with the intent of the bill in this area.

The member for Scarborough Centre says that Bill 191 clarifies and consolidates the rights and obligations of the consumer and the seller. I think that is the key to the intent of the bill. It also ensures that the manufacturer accepts a large

share of the principal transaction's fairness; that is, fairness of the circumstances and the practices involved in the purchase of an automobile. We often forget the word "fairness" in this particular area. A person is purchasing perhaps one of the largest items that he will be buying outside a home.

The bill, as I read it, establishes a clear understanding of the contract on the part of the consumer, which will include some measure of consistency between the oral and written terms used when contracting to purchase a motor vehicle and warrants fair notice of the onerous provisions of the unusual contracted clauses in the agreement of purchase. I suppose when you get into the agreement, there are about 10 of them in there that you should read when you sign an agreement. Although you may have a trustworthy salesman, you should still read the contract, because you will take a second look the second time you sign it. You will say, "Should I have gone this route?"

The member for Leeds-Grenville mentioned, and I am sure members are aware, that the minister responsible for consumer protection, that is, the Minister of Consumer and Commercial Relations (Mr. Wrye), in tabling the legislative review project's directions report and supplementary working papers on June 28, 1988, said the release of this report was the first step in revamping Ontario's consumer protection laws. Specific legislative proposals will be developed after extensive public consultation to allow for discussion of the principles of marketplace fairness.

One of the key proposals made by the legislative review team was the consolidation of Ontario consumer protection laws into foundation statutes or a consumer protection code that would embody the rights, responsibilities and remedies of consumer transactions.

I can assure the members that the minister will be reviewing all the comments raised by members during this debate on Bill 191, as well as the comments from outside the Legislature from consumers and industry. I personally will be supporting the bill in principle.

**Mr. McLean:** I want to speak briefly on Bill 191. I have some concern with it. I have bought several new cars over the years and I have yet to have a problem with the dealers, mainly Chevrolet. However, I have bought others in recent years.

There is one part of this bill that has me very concerned and that is with regard to the authorization and the powers that the registrar



has. He can refuse to grant or renew a registration or propose to suspend or revoke a registration.

There are a lot of powers in this bill on which I do not think it is necessary to bring in legislation which makes people and dealers come to a 90-day-or-less agreement. When we look at the sections dealing with the registrar—and there are several of them—and the tribunal, it certainly is cause for concern.

The amount of money that motor vehicle dealers in Ontario pay in taxes since the Treasurer (Mr. R. F. Nixon) has put on the extra one-cent sales tax is unbelievable.

I think the automobile dealers are very well respected in Ontario without having further legislation placed upon them and demands placed upon them, because the members opposite and I are well aware of what happens when there are more restrictions put on car dealers: we I will be paying more for our automobiles when we purchase them.

I have never had a problem, and I do not know too many who have. What happens with regard to the legislation if they make a certain deal with a dealer that says it will be 110 or 120 days and they anticipate getting the car in that time? However, it may be 130 days. Are they going to be penalized or penalize the dealers because it is 10 days too late?

I have never had a problem borrowing a car or trading a car at any dealership and I think they are putting a very heavy onus on the car dealer. But not only that, they are questioning the integrity of the car salesmen who I believe have a code of ethics they follow. There is no doubt that you always will find one or two bad apples in the basket, and you are going to find the same thing with regard to the car dealers.

What would happen if this legislation were passed and the machinery dealers and the farmers decided, "Well, I ordered a piece of machinery; I want that delivered in June." Is there going to be legislation now for the farm dealers?

The ministry is only just touching one segment of society and there are many others. What about the trucks? There are the truck dealers. This is the Motor Vehicle Dealers Act they are talking about here. Does it say that it covers the purchase of trucks or tractor-trailers?

There are so many things involved in this legislation that I am afraid that we are all going to pay more if this type of legislation is proceeded with. They are questioning the integrity of the car dealers and the car sales people. The government has come on and put another one per cent sales

tax on the price of all these vehicles, and here we are looking at more problems for the dealers.

I think there are enough regulations in place today on car dealers. I know there have been many who have had their licences taken away because of some irregularity or some things they have done. They are covered under the Ministry of Consumer and Commercial Relations. This is adding one more burden to it.

I see the member's point of view—from her perspective—of why she would think the 90 days after the date of the agreement would be satisfactory. I have no problem with that. But I think when you start tying down to specific dates, you are going to start to create a problem.

I just wanted to put those few remarks with regard to this bill on the record, because I think that I have yet to have a complaint about car dealers in my area who have misused people, or anybody complaining because his car has not been delivered on time.

I happen to believe this is one more area where a government wants to put more of a burden on to the car dealers, the dealers who pay most of the sales tax in Ontario and I think their integrity is being questioned.

**1150**

**Mrs. LeBourdais:** I am very pleased to support my colleague the member for Scarborough Centre in this particular bill. I am surprised that the member for Leeds-Grenville brought up the suggestion that the member was trying to impugn the dealers in any way. I think, as consumers, we have a right to know exactly what we are getting into when we purchase something. I think the responsibility is on the dealer to know within a time frame of perhaps a couple of weeks when the delivery of his product is going to be available. We are all aware that car dealers and car manufacturers, like other segments of the business society, cannot always meet a very specific time framework, but I think there is leeway within this to allow for that.

As a consumer, when a car is a part of day-to-day life, part of work life and part of social life, if you are planning a trip, you would like to know within a short period of time when you can expect delivery of a particular car. There is the old suggestion of "Buyer beware," and I think we have to beware because in many cases we, the public, have been led down the garden path. This helps to ensure, both to the manufacturer and to the consumer, a schedule and deadline that both have to meet. Both have a responsibility and each has their own share of that responsibility.



The ad that the member used to indicate a rebate program, gives you all the details, including red ink to emphasize particular details at the manufacturer or the dealership both. Since these ads are usually paid for both by the dealership and co-oped with the manufacturer, they tell you all the highlights they want you to know about, but the details of the rebate that they would allow you on a specific vehicle, the fact that it is not available after a certain time limit, is not only not in red ink, it is at the bottom of the page. I am not a typographer, but it seemed to me that type is certainly no larger than five point type, and I am sure many of us could not even begin to read, or perhaps it would not occur to us to read.

We would assume that if there is a rebate on the car that we are to purchase, that rebate would be there from start to finish. Until this morning, quite frankly, I was not aware that the rebate had a time deadline. Although it is in the ad, although in theory, therefore, the dealership or the manufacturer have covered themselves, I am just wondering how often a dealer would specifically make the point to you that if you do not take delivery, the onus is not on you to be able to do anything about that. You cannot control the delivery date, and yet you are the individual who will lose out if the dealer or the manufacturer is tardy in any way.

I feel very comfortable in supporting in whatever way I can this particular bill.

**Miss Nicholas:** I just wanted to make a few comments in response to those made by the members today. I agree with the member for Cambridge that most dealers are very upright, are trying to make a sale, make a living and are great, but I wonder if they know that promises are being made by their salesman, which they, as dealers, cannot ever hope to keep. If the dealer knew that those promises are being made that the car will be delivered earlier, and they knew that their customer may be disappointed and may go elsewhere when they buy their second, third, fourth and tenth car—because apparently each person buys approximately 10 cars in his or her lifetime—they would welcome this legislation. They would welcome it if they knew that there were expectations being put out and not being met.

I would like to comment on the member for Leeds-Grenville and his comments that this is directed at the wrong people. I disagree with that. The consumer goes in and signs the contract with the dealer. That is the right person to direct this to. If there is a lawsuit, then they can third-party

the manufacturer. That is a quote that I learned in law school some time ago. That is what they can do. But the contract is with the dealer, that is whom they sign it with and that is why this legislation is aimed at the motor vehicle dealers.

He missed the \$750 rebate totally. We are not looking at people with Jaguars, as he suggests, we are looking at the Chevette, the person who goes out and spends every last penny he has either financing or paying for his car, and who does not have another \$750 to pay for it when he does not qualify for the rebate. This merely says to someone, "If I do not qualify for the rebate, I want to back out and make another deal." They may still need the car. They are still walking to work in their rubber boots or going by the Toronto Transit Commission or in their Volkswagen Rabbit that has 500,000 kilometres on it. If they knew that the rebate would expire and they would not get the \$750, I bet they would try to make another deal. So we are not looking at the people with the Jags, we are looking at the everyday consumer.

The argument the member for Leeds-Grenville made was that there might be an overwhelming number of people going to small claims court. I tell him that small claims court is the only way that a consumer, an individual, a citizen of Ontario, can get what he or she rightly deserves. It is a great asset that we have in our court system. We do not make people go to the county court or the Supreme Court for a little claim. They go to small claims court on their own, they tell their woes to the justice of the peace or to the judge who is in front of them and they get justice.

So I say if this is going to increase accessibility to small claims court, then it is a fabulous bill. We should all be supporting access to justice for all consumers. I do not have any problem with the fact that a few people— If indeed they go running to small claims court in the great numbers the member is suggesting, then I say there really is a problem with our industry right now and with the promises of dates of when you should expect your car, if there is going to be this large number of people who are running to small claims court.

This bill focuses on the bad apples. It focuses on the sales people who are promising delivery of a car in an amount of time that they should not promise. They do not know when that car is going to be delivered. They are making a verbal contract and the consumer finds out after six weeks that his car is not coming in six weeks, not in eight weeks, and it may in fact be 89 days and

he has to wait for three months; and he is not a knowledgeable consumer.

The member for Simcoe East (Mr. McLean) was saying how happy he has been with getting his cars and that he gets them on time. The bill does not hurt him then. He gets his car, he gets it on time and everybody is happy. The whole intent of this bill is for people who have been told they are going to get their car earlier, then later. There has been no research done on that. The salesman promises something he cannot deliver and you wait and wait.

With regard to the farmers, I ask what good is a combine or a vehicle in December if the guy needs it in June? How is he going to reap his harvest if he does not have the vehicles, the machinery necessary. He makes the deal for the farm equipment, he says it is going to be there before he has to sow his oats, he is ready for it, and the alternative is a manual hoe. I say this is good legislation and the farmers will welcome it, to know that their vehicles are going to be coming in on time.

This is against car dealers who are misusing the system. I think most of them are great. I have been satisfied with the cars I have received. Those who are waiting an inordinate length of time would welcome this legislation, to know

that they could get their deposit back and make another deal elsewhere.

If it means the manufacturers are going to estimate it longer, if they are going to say it is taking seven weeks instead of six and the car comes after six, is that not all the better? It has come early, you are even more surprised by it and your expectations have not been diminished.

So I say this is a good piece of legislation, we are getting a knowledgeable consumer and I ask members to support second reading of this bill.

#### HIGHWAY CONSTRUCTION

**Mr. Speaker:** Mr. Offer has moved resolution 45.

Motion agreed to.

#### MOTOR VEHICLE DEALERS AMENDMENT ACT

**Mr. Speaker:** Miss Nicholas' has moved second reading of Bill 191.

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion the ayes have it.

Motion agreed to.

The House recessed at 12:01 p.m.



## AFTERNOON SITTING

The House resumed at 1:30 p.m.

## MEMBERS' STATEMENTS

## SOCIAL ASSISTANCE

**Mr. Allen:** There are times when the the Minister of Community and Social Services (Mr. Sweeney) makes Scrooge look like Santa Claus. When Sharleen and Claude Girouard were married last May, these two disabled adults had no idea they would be so miserably handled by the minister and the ministry. Contradicting its original advice, the regional office cut Sharleen off both her family benefits and her drug card. Claude's take-home pay of \$968 was only \$68 more than Sharleen's monthly medical bills, so they appealed the case.

Against the advice of the Thomson report, the ministry refused to continue her status until the appeal judgement was delivered. Against all legal requirements to deliver judgement within 40 days of filing, the Social Assistance Review Board took 79 days to reject the appeal. The ministry in the meantime, in providing some special assistance, somehow concluded that the Girouards could afford to cover about 25 per cent of her medical bills, so they have been going into debt at the rate of \$200 a month.

The Girouards are showing serious side-effects of this ordeal. The SARB recommended using section 8 of the act for an order-in-council solution, but the minister refuses. But elderly women without resources are often given minimal standing with a payment of \$2.50 per month by an order in council so they can qualify for a drug card. Would not even Scrooge consider that much for Sharleen and Claude Girouard?

## SCHOOL ACCOMMODATION

**Mr. McLean:** My statement is for the Minister of Education (Mr. Ward). The minister recently gave the go-ahead for the Simcoe County Roman Catholic Separate School Board to build a new \$2-million St. Ann's school in the town of Penetanguishene. That was certainly good news, because I do not believe the group of existing portable classrooms provides pupils with a proper learning environment.

But now for the bad news. The board's plea to expand the projected basic eight-room unit by three or four additional rooms has been turned down by this ministry. Officials with the ministry told the board to put this request for more rooms

in the annual capital forecast. That means there will be no decision on this request until at least April 1989. With a contract of about \$2 million about to go out for tender and a target completion date of next September, this request will come too late.

The minister must realize that it makes more sense to build a school like St. Ann's to a proper size right from the beginning; it will undoubtedly be less expensive to complete the project all at once, rather than undertaking it in a piecemeal fashion.

A similar situation exists at Patrick Fogarty Secondary School in Orillia. This school is made up of portables and there is no gymnasium.

It was this minister's government that brought in Bill 30 which extended funding to the separate school system in this province. They brought in the funding legislation but they failed to provide the necessary funding to follow.

## EASTERN ONTARIO

**Mr. McGuinty:** A major step has been taken by the government of Ontario in recognizing the economic development needs of eastern Ontario. This week, the Minister of Industry, Trade and Technology (Mr. Kwinter) announced a community economic development program for eastern Ontario.

This program will allow communities in eastern Ontario to develop their own unique plans for economic growth. There will not be any Toronto-imposed solutions, as in the past; rather, local people will make local decisions. This program will foster community self-reliance and local initiative in economic planning. Over the next five years, the eastern Ontario communities will receive \$25 million to help them develop long-term economic plans and to help finance specific development projects.

This new program shows that eastern Ontario is now being heard at Queen's Park as never before. The Liberal government at Queen's Park has shown that it cares about eastern Ontario, unlike previous Conservative governments. As the outgoing chairman of the eastern Ontario caucus, I wish to congratulate my Liberal colleagues for the work they have done behind the scenes to make this program a reality.

To the voters of eastern Ontario I say, in the words of our esteemed colleague the Treasurer of Ontario and Minister of Economics (Mr. R. F. Nixon): "You ain't seen nothing yet. There's a

lot more to come, thanks to your hardworking Liberal members of the Legislature from eastern Ontario."

### HOSPITAL WORKERS

**Mr. Mackenzie:** I have a statement directed to the Minister of Health (Mrs. Caplan). For two years now, hospital workers of five Hamilton area hospitals have waited for a raise, and they are about to go through another Christmas without receiving one. I am talking about St. Joseph's Hospital, Burlington, St. Joseph's Hospital, Hamilton, Hamilton Civic Hospital, Joseph Brant Memorial Hospital and Chedoke McMaster Hospitals.

Tory and Liberal governments have denied them the right to strike. Instead, the nursing aides, orderlies, cooks, kitchen and cafeteria employees and maintenance, housekeeping and laundry staff are saddled with the Hospital Labour Disputes Arbitration Act. The Canadian Union of Public Employees has asked for changes to speed up the decisions of the arbitrator, but the government is not listening.

In two years, the workers' rents have gone up twice; groceries are more expensive; clothes cost more. The government has found time to increase taxes, like the sales tax, but the government's arbitrator has not found time to give the workers a raise. The members are victims of Ontario's health care system, just like the patients waiting for beds all across the province. They are suffering from the effects of the squeeze on health care funding.

Health care workers deserve better. If they are essential employees, as they are called, then they should be a priority. Soon Christmas will come and, once again, they will have gone without their raise. I do not think it is fair. I do not think this government is treating these workers fairly. They should be paid what they are worth.

### EMPLOYMENT OPPORTUNITIES PROGRAM

**Mr. Runciman:** I rise today on an urgent matter affecting the future of 10 individuals in my riding who are awaiting action from the Ministry of Community and Social Services. These individuals enrolled in the municipal employment program are presently on welfare. They have successfully completed a job readiness training program. They have been offered on-the-job training and the possibility of full-time employment. However, employers are refusing to hire them because there is no provision for workers' compensation coverage

for welfare clients placed in jobs under provincial programs. Employers do not want to be liable in case of a work-related injury.

The ministry was advised of this problem in early October and promised that coverage would be provided within a month. Nothing has been done so far, in spite of numerous calls to the ministry. This is a most frustrating situation. A worthwhile initiative has been stalled by inaction. These people have the chance, some for the first time in their lives, to break the cycle of welfare and poverty, become gainfully employed and gain a feeling of self-esteem. All this is in danger of being lost because of either indecision or disinterest on the part of the ministry.

It might seem like a small matter in the eyes of someone who has never been in a position of dependence, but it is of utmost importance to the 10 individuals who see their opportunity for a better life lost to them because of government inaction. I urge the Minister of Community and Social Services (Mr. Sweeney) to investigate this matter immediately and so make possible a brighter future for people who have been given a chance to improve their lot in life.

### HUMAN RIGHTS

**Mr. Fleet:** December 10, 1988, was a celebration of International Human Rights Day and the start of Human Rights Week in Ontario. December 10 was also the 40th anniversary of the United Nations Universal Declaration of Human Rights. We recognize that day because we acknowledge the inherent right to dignity, freedoms and self-determination of people anywhere in the world.

There are fundamental freedoms of conscience, expression and association and other basic liberties which we enjoy in Ontario, largely without ever thinking about them. Unfortunately, these human rights are unjustly denied to citizens of many other countries.

Last Saturday, I joined members of the Ukrainian, Estonian, Latvian and Lithuanian communities in a rally at Toronto city hall and on the steps of Queen's Park to protest the ongoing harsh denial of basic human rights in the Soviet Union. Thousands of prisoners of conscience still remain in psychiatric hospitals and prisons throughout the Soviet Union. The struggle for basic freedoms by the woman and man on the street in the Ukraine and the Baltic states is far from won. We must not forget their fate.

I urge all Ontarians to join me in support of the international struggle for human rights so that the



people of the Ukraine, Lithuania, Latvia, Estonia and other oppressed countries will be truly free.

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#### ROOMERS, BOARDERS AND LODGERS

**Mr. Breaugh:** The Premier (Mr. Peterson) has spoken out against what are known as exclusionary bylaws, bylaws which are passed by some municipalities, essentially aimed at doing away with rooming houses or people who are not related living in the same quarters. The Minister of Housing (Ms. Hošek) has also spoken out against this practice. The general intention of the government has been to remove exclusionary bylaws from the municipal books.

The problem is that neither the Premier nor the minister have gotten around to doing this. The problem is that for Hannah Cook and her 12-year-old daughter, the city of North York, the city with a heart, has decided that it does not want to have anything to do with rooming houses. They face eviction over the Christmas period because of that municipality's exclusionary bylaw.

Would it not be nice if just before Christmas the Minister of Housing and the Premier actually did what they both said they wanted to do and ended exclusionary bylaws?

#### STATEMENTS BY THE MINISTRY

##### PRESCRIPTION DRUGS

**Hon. Mrs. Caplan:** I am pleased to inform the House that this ministry is taking prompt action in response to the interim report of the Pharmaceutical Inquiry of Ontario, the Lowy inquiry, which was received this week.

I am announcing today that all medically indicated drugs and drug-related therapies in the treatment of cystic fibrosis and thalassemia will be provided to all age groups who require them. The drugs and therapies will be made available through designated hospital programs, effective January 31, 1989.

It is my priority to ensure that these two special groups, who can face catastrophic drug costs, have equity in access to the drugs they need. Currently, people up to age 18 have their drug costs covered while most adults do not.

Dr. Lowy's interim report estimates there are approximately 860 cystic fibrosis patients in Ontario, of whom about 300 are over 18 years of age. There are approximately 125 diagnosed thalassemia patients, about 25 per cent of whom are over age 18.

The report points out that adults with cystic fibrosis can face drug costs as high as \$8,000 per

year; those with thalassemia sometimes have bills of up to \$25,000 per year. The Lowy inquiry estimates the cost of providing drugs and drug therapy to all cystic fibrosis and thalassemia patients in Ontario will be about \$5.1 million annually.

Dr. Lowy's interim report also notes that the current special authorization system used with the Ontario Drug Benefit Formulary is not acceptable. The program began in 1974 and was originally intended for use in rare instance where drug products not listed in the formulary were considered necessary by a prescribing physician for the care of an eligible patient.

Many of the drugs currently available under special authorization, however, are of very limited therapeutic value according to the Lowy inquiry. It concludes that in recent years special authorizations have become highly permissive and now cost over \$50 million each year. Since more than 1,600 drug products are now listed under special authorization, the program is not only expensive but administratively cumbersome.

I am therefore announcing today that the special authorization system will be reformed to reflect its original intention. As of January 1, 1989, new drugs will only be approved for special authorization based on the advice of the Drug Quality and Therapeutics Committee.

As of April 1, 1989, all drugs available under the Ontario drug benefit plan will have to be recommended by the DQTC and the committee will make its recommendations based on therapeutic effectiveness. I will immediately ask the DQTC to examine all drugs now available by special authorization, to assess their therapeutic effectiveness and to recommend whether they should be included in the July 1989 formulary.

Our objective is to make sure that all drugs available to Ontarians through government-funded programs are effective for improving health and contributing to quality of life.

When the Pharmaceutical Inquiry of Ontario, headed by Dr. Frederick Lowy, was established in March of this year, I said then that our intention was to place the inquiry on an action footing so that prompt, appropriate responses could be developed to its recommendations. Today's announcements honour that commitment.

#### JUDICIAL APPOINTMENTS

**Hon. Mr. Scott:** I am pleased to announce today a change in the manner in which provincial court judges in Ontario are to be selected.



I intend to establish the Attorney General's Advisory Committee on Judicial Appointments, a group of qualified and highly motivated individuals, to advise me on all future appointments to the bench. They will, I believe, inject essential public input into what many consider to be an informal process.

The committee will interview and select candidates before making final recommendations to the Attorney General. This model, which is the first of its kind in Canada, is a modern appointment system dedicated to seeking out candidates of merit from all branches of the profession.

The lay-dominated advisory committee will do a great deal to remove any unwarranted criticism of political bias or patronage in appointments to the judiciary while enhancing community and public involvement and reinforcing confidence in the judiciary and the justice system. Such a committee, with a broad base of representation from across the province, will ensure that the justice system reflects the needs, the values and the attitudes of the community as a whole.

The Advisory Committee on Judicial Appointments will have the following mandate: First, to develop and recommend comprehensive, sound and useful criteria for selection of appointments to the judiciary, ensuring that the best candidates are considered; and second, to interview applicants selected by it or referred to it by the Attorney General and make recommendations.

The committee will operate as a three-year pilot project and will be in a position to review candidates beginning in March 1989. In the interim, we will of course continue to fill judicial vacancies when necessary. It will include nine members led by Chairman Peter Russell, professor of political science at the University of Toronto, who has had a most distinguished academic and professional career. Joining him will be five additional nonlawyers, one provincial court judge chosen by, but not from, the Ontario Judicial Council, one lawyer chosen by the Law Society of Upper Canada and one lawyer chosen by the Attorney General.

I believe the judicial appointments advisory committee will combine public understanding with the needed expertise of lawyers and the judiciary. It is through this balance of common sense and legal standards that government can realistically expand the public's access to justice and improve service to the community.

In the west gallery is Professor Peter Russell, the first chairman of this new committee, the first

of its kind in Canada, and I would ask the House to welcome him now.

**Hon. Mr. Peterson:** May I be the first to congratulate the Attorney General on this excellent statement.

#### HEALTH INNOVATION FUND

**Hon. Mr. Peterson:** I wanted to set the tone, and may I go on to say that I wish to inform the House that the Premier's Council on Health Strategy is now inviting grant applications to the health innovation fund.

The \$100-million fund is tangible evidence of this government's commitment to exploring new and innovative ways of providing health services to the people of Ontario. It also demonstrates our desire to provide the financial support needed to plan and evaluate new and cost-effective approaches to health care delivery.

This fund has been created specifically to encourage creative new programs and to test pilot projects that might not otherwise qualify for funding.

Over the next four years, funds will be made available in a number of areas. About one third will be used to undertake a comprehensive health status survey, sponsor several hospital-in-the-home pilot projects and encourage further development of community health services, health service organizations and comprehensive health organizations.

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The balance will go towards grants for innovative pilot projects conducted by community groups, individuals, health providers and researchers, as well as projects identified by the Premier's Council on Health Strategy.

Criteria for the grants have been established and two competitions will be held each year. To be considered for grants, projects must address an important consumer health need and not duplicate existing services. In addition, individuals and groups submitting proposals must be sponsored by a nonprofit organization. The fund will not be used to support capital construction of facilities, high-technology diagnostic equipment or projects already funded from another source.

The health innovation fund is intended to promote five major objectives of this government for the future of Ontario health care:

1. To promote positive change in consumer attitudes and behaviour towards personal health and family health;
2. To improve equities in health across the province;



3. To test new, more effective ways of delivering services;

4. To improve access to existing health services for individuals and groups that experience difficulty in seeking out appropriate care; and

5. To foster improved co-ordination of health programs and services.

Innovation does not come without risks, but neither do the rewards. We need to forge partnerships among providers, consumers, business and government in developing new approaches to health and health care delivery. I am confident that the health innovation fund will be a major catalyst for achieving these goals.

#### POLICE TREATMENT OF VISIBLE MINORITIES

**Hon. Mrs. Smith:** On Tuesday of this week, I announced the establishment of a task force to address the concerns of visible minorities about the interaction of police with their community. I also advised all members that this task force would be chaired by Clare Lewis, public complaints commissioner on matters involving the Metropolitan Toronto Police Force.

This afternoon, I am pleased to announce the appointment of four other members of the task force. They are Dr. Ralph Agard, president of the board of directors of the Children's Aid Society of Metropolitan Toronto; James Harding, president of the Ontario Association of Chiefs of Police; T. Sher Singh, a Toronto lawyer and past chairman of the Council on Race Relations and Policing; and another member of the task force who has agreed to serve, but this has not yet been confirmed with her employer.

As members are aware, the task force was established as a result of recent concerns raised about the relationship between visible minorities and the police. The task force is viewed by the government as an effort to ensure that discrimination or even the perception of discrimination on the part of police officers in this province does not take place.

The terms of reference for the task force are to inquire into and report on:

1. The current training members of police forces receive as it relates to visible minorities;

2. Ways to improve this training and education, both for recruits and on a continuing education basis;

3. The hiring practices and promotional processes, including employment equity programs;

4. Ways to improve the interaction of the police with visible minorities through the establishment of liaison officers, committees, community education programs and cross-cultural training;

5. Ways in which a monitoring system may be established to provide for a regular review of the interaction between visible minorities and the police; and

6. To review the policies and practices of the police relating to the use of force.

The government is most concerned about the situation and perceptions which have led to this task force. I am confident that when the task force reports back to me in two months, its findings will provide us with practical recommendations to deal with these serious concerns so that we can ensure equal treatment by police for all minorities in our society.

#### RESPONSES

##### JUDICIAL APPOINTMENTS

**Mr. B. Rae:** First, on the good news front, I would like to congratulate the Attorney General (Mr. Scott) for his announcement today. I think it is long overdue that we have a better process for appointing provincial court judges.

If I may say so, I am particularly delighted that Mr. Russell has agreed to serve as chairman of the Attorney General's Advisory Committee on Judicial Appointments. All of us who know Professor Russell know what a talented and capable person he is and what a sense of the importance of the integrity of the judiciary he has. I am delighted he has agreed to serve as chairman.

I would also like to congratulate the Attorney General on the appointees to the committee who at first blush, from the people I know, certainly reflect a wide range in the community. We have a way to go to get really good appointments to the bench. I am just delighted to see the Attorney General taking these steps.

I would like to also congratulate him on choosing a former New Democratic Party candidate, Mr. Cressy, as one of his appointees to the federal judiciary appointee committees. I am very pleased. That is the good news.

##### POLICE TREATMENT OF VISIBLE MINORITIES

**Mr. B. Rae:** Now I would like to turn to the statement made by the Solicitor General (Mrs. Smith).

If we ever needed proof that this government was simply going by the seat of its pants on this

very important issue, nothing would indicate it more clearly than the announcement today by the Solicitor General of the makeup of a committee. She does not even have all the names of the people who are on the committee.

My copy of the statement names three people and then it says, "a female member who has yet to be confirmed." If you are going to make an announcement about the formation of a task force and give the community the sense that you take this task force seriously and you take its composition seriously, surely you would want to wait until you had everybody appointed before you proceeded.

I might just add on this point that I say with the greatest of respect to the Solicitor General, we have had many task forces on this very subject. The critical question is not the task force. The critical question is what the commitment of government is to lead and to deal with problems when they arise. We do not have a new or different policy by this government on the use of force. We do not have from this government a different policy on what happens when police officers are involved in potentially criminal action.

We have had over the last year several indications that this government believes that the best people to investigate the police when they are involved in actions of a potentially criminal nature are the police themselves. I can tell you that I disagree fundamentally with that proposition.

I said to the Attorney General (Mr. Scott) after the Donaldson incident, that we have to find a different way, a way that gives everybody a sense that the system has integrity when these investigations take place. You have to have a prosecutor in charge who is completely independent of the government, completely independent of the police. That prosecutor should be taking responsibility for any criminal investigation from the time the act is committed.

I believe the government is going to have to come to that conclusion in order to give this process some integrity and in order to give it the support in the community that it needs. This government has had ample opportunity to do that. It has chosen consistently not to do it. I do not think another task force is going to get this government to move.

#### PRESCRIPTION DRUGS

**Mr. Reville:** Responding briefly to the statement by the Minister of Health (Mrs. Caplan) today, I am very disappointed that all we have got

out of the Lowy inquiry after it has been meeting for a little less than a year is a couple of little tastes of the kinds of reform that we are going to need to have. Yes, we are pleased to see that the drugs in respect to cystic fibrosis and thalassemia will be paid for, but this is creeping pharmacare that is creeping far too slowly.

A number of very serious problems remain to be addressed by this government. It is interesting that it has finally, two years later, taken the advice of the Drug Quality and Therapeutics Committee and is going to look at the special authorizations.

The minister should know that all over this province there are people who are being made sick by drugs that are inappropriately prescribed for them. The taxpayer is paying for both the prescription and treatment to help them get over the effects of the prescription.

#### HEALTH INNOVATION FUND

**Mr. Reville:** In 15 seconds—there is \$100 million for health innovations. Sure, we welcome that, but that is \$25 million a year. That is about one fifth of one per cent on a health care budget of \$13 billion and you have to wonder who really is going to get this money.

1400

#### POLICE TREATMENT OF VISIBLE MINORITIES

**Mr. Brandt:** I want to respond to the statement of the Solicitor General (Mrs. Smith) with respect to the task force and again remind the Solicitor General that my colleague the member for Parry Sound (Mr. Eves) did, in fact, offer a solution to the ongoing problem, not only of race relations with respect to the police department but a methodology that could be put in place that would review this entire matter and bring before this House recommendations that could be implemented.

The Solicitor General knows, as I do, that the response of the black community to her proposals has been less than positive at this point. If the perception is that the government—and I am not suggesting that this is necessarily the case, because I have a little more faith in the minister than this—may not be willing to open the doors widely in this particular matter and that the government may, in fact, have something to hide, then her task force will not be a success.

I would suggest to her that the referral to the standing committee on administration of justice, as proposed by my colleague, will in fact take into account all of the issues that she has outlined



here, but in a more open, more public process which will involve the members of the Legislative Assembly, and I think the very positive input from those members as well as from the public at large could in fact put in place a much more responsive system in which the concerns of the public, and particularly those minorities who are concerned about the present relationship between police and minorities, can be dealt with.

I say to the minister that what she is doing here is a step in the right direction, but it is not far enough. We have concerns about what those perceptions are in the public's eye and we really feel that she should very seriously take into consideration the recommendations that we made, I believe back in October 1987, as a positive step in a concrete and I think a very forward-looking step in the right direction.

#### PRESCRIPTION DRUGS

**Mr. Eves:** I would like to respond, both to the statement made by the Minister of Health (Mrs. Caplan) and the statement made by the Premier (Mr. Peterson). With respect to the statement by the Minister of Health, we certainly welcome these initiatives. I think the special authorization for drugs is something that is long overdue in terms of the government's correcting some of the problems that we have had in the past.

With respect to the announcement about thalassemia and cystic fibrosis patients, I think that has been pointed out to the government by both opposition parties on several occasions. By the ministry's and the minister's own admission in her statement today, there are less than 1,000 of these patients in Ontario. Ontario is one of the last provinces in the country to come on stream with respect to helping these people and I am glad to see that the government is finally addressing that shortcoming in our health care system.

#### HEALTH INNOVATION FUND

**Mr. Eves:** With respect to the Premier's announcement, I am not so nearly congratulatory. This is an election promise that was bandied about in August 1987. We already know just about everything that was in the Premier's statement today. It is merely a general statement, reiterating or regurgitating what was announced over 15 months ago. We have been waiting for 15 months to know to whom and where these funds are going. We want the specifics of the health innovation fund. We asked for those in estimates some two or three weeks ago. I believe both opposition parties did that.

The government has had almost a year and a half. We want to know when the funds are going to start flowing, specifically where they are going to and what projects the health innovation fund is going to encompass. I have the sinking feeling over here on this side of the House that the health innovation fund is going to go the way of the Premier's technology fund.

**Hon. Mr. Peterson:** What does that mean?

**Mr. Eves:** Down the tubes and nowhere, that's what I mean.

**Mr. Speaker:** That completes ministerial statements and responses.

Interjections.

**Mr. Speaker:** Order. I will now ask for oral questions. The Leader of the Opposition.

#### SEASON'S GREETINGS

**Mr. B. Rae:** Mr. Speaker, on a point of order, if I may: Before we get into the harangue of question period—I may not get a chance to do this while there are as many people here as there are today—I would like to extend to you and to all the members of the House, on behalf of the official opposition, our very best for the season and we look forward to seeing you back on January 3. We hope that you, sir, and all the staff, the table officers and all the pages, including even the members of the government, have a good holiday.

**Mr. R. F. Nixon:** God bless us every one.

**Mr. Speaker:** Thank you. I am sure that is worth an extra 30 seconds on the question period.

#### ORAL QUESTIONS

##### GOVERNMENT'S RECORD

**Mr. B. Rae:** I do want to ask some questions today of the Premier, and my colleagues have some questions to ask of the Premier. I ask him to listen carefully to the questions, because they all deal with a single subject. That subject is the integrity of this government and the promises that it has broken. While our questions touch on different subject matters—and a merry Christmas to the Treasurer (Mr. R. F. Nixon) too—they all relate to the same issue and the same idea, that of broken promises.

What I would like to do is ask my first question with respect to a broken promise, and that has to do with this question of pensions. Back in June 1987, the gentleman who is sitting almost straight behind the Premier, the Minister of Industry, Trade and Technology (Mr. Kwinter), said, "We wish to give assurance to this government's firm resolve to introduce manda-

tory inflation protection." He said that legislation would be forthcoming as soon as the Friedland study had reported.

I would like to ask the Premier a very direct question on the first broken promise of this government, and that has to do with inflation protection on pensions.

**Hon. Mr. Peterson:** My honourable colleague will give the member all the details on that.

**Hon. Mr. Elston:** With respect to the pension issues, I think the public knows I indicated quite clearly yesterday that we are moving on the issue of indexation. In addition to that, there are a series of other issues that also are important in the pension family, if I can put it in that context, with which we will enter a consultation period that will come forward early in the new year. We hope to see the bill in front of the Legislative Assembly next year.

**Mr. B. Rae:** A promise delayed is a promise denied. That is the reality with respect to this inflation protection promise which this government has been making for the last three years and which previous governments made for three years prior to that.

I would like to ask the Minister of Financial Institutions if he can explain how it is possible that when the fellow who just refused to answer the question on broken promises said in 1987 that he had a specific plan to reduce car insurance rates, the Ontario Automobile Insurance Board would have recommended a return on equity of 12.5 per cent, which, according to evidence I elicited on cross-examination this morning at the insurance board, is in good measure responsible for the 35 to 40 per cent increase recommended by Mercer. In fact, if there was no return on equity, the increase in insurance would be 14 per cent.

**Mr. Speaker:** Question?

**Mr. B. Rae:** Why is the minister having a profit insurance scheme instead of a car insurance scheme, when his government promised that it would reduce insurance?

**Hon. Mr. Elston:** I know the honourable gentleman has participated in this morning's round at the board and he is going to return after question period to get the answer to some assumptions he made with respect to earlier testimony. I understand there is an anticipation of his arrival and he can get his assumptions cleared up.

He, like everybody else at the board, is interested in clarifying the basis upon which the

board is making the determinations on rates. He is participating. In fact, I think the success of the board's hearing system, i.e., that it can come to grips with the material that is contained in the Mercer report to the board, is evidence that the system is working very well, that the clarification of how rates are set will happen and that the rates that come out of this will be on the basis of vigorous cross-examination by interveners such as himself, who have no particular expertise in the area, together with the expertise put forward by people from industry and professionals hired by the Consumers' Association of Canada. That is why this process is working and is going to work and will, in fact, show the public of Ontario what a fair rate is.

I think he made certain assumptions, of course, that are not quite based upon—

**Mr. Speaker:** Thank you. Order.

1410

**Mr. B. Rae:** I want to ask the minister this final supplementary question. His government has broken its commitment on inflation protection. It has failed to do something which it promised the people of the province it would do. They have broken their promise on car insurance, because the Premier (Mr. Peterson) said he had his plan to reduce rates. Instead, he has a plan which ensures the profits of the insurance companies and ensures a whopping increase for drivers and does nothing else. That is what it is there for. That is what it does. That is what the board's hearings are all about.

I want to come back to this point on car insurance. How does the minister square this 35 per cent to 40 per cent increase, or 25 to 30 or 20 to 25 or whatever number gets pulled out of the hat, by the insurance board? The whole thing is so shaky, that is what is going to end up happening. How does he square that with the specific promise that his leader made three days before the election, that he had a plan to reduce car insurance rates? How does he expect to get away with that kind of difference, that kind of discrepancy between what was said before an election and what happens—

**Mr. Speaker:** Order. The question has been asked.

**Hon. Mr. Elston:** I think the people in Ontario will want to know that this government has not broken promises and that we have moved forward with respect to the pension issue, and we are moving forward with the pension issue. That is clear. Without any compromise, that is clear, and the people in Ontario know that.



In addition to that, people will know that the auto board was put into place to determine what was a fair and reasonable rate with respect to auto insurance. That board is moving very, very carefully and very, very thoroughly through a proposal which is in front of it and has invited not only people who are expert in the field but people like the member for York South (Mr. B. Rae) to participate, who in fact have been successful in determining some of the areas in which the proposals put in front the board are sought.

Those changes are brought to the attention of the board and they are working on those to make sure they firm up the proposal. From that point of view, the public of Ontario has seen the success of this particular proposal. There is no broken promise. In fact, we are moving to do the things we have committed ourselves to do. There is a movement on indexing of pensions. There is the determination of what is a fair rate for auto insurance in Ontario. We are doing what we said we would do.

#### EDUCATION FUNDING

**Mr. B. Rae:** I have a question to the Premier, again on this question of broken promises. The Premier's commitment that he made back in 1985 when he was in opposition, the commitment he made not only to me but to the teachers, students, parents and throughout the system, was very clear. The personal commitment made by the Premier in Sudbury in March 1985 was that the provincial share of education funding would go to 60 per cent.

However you calculate it, when you calculate like with like, when you calculate the numbers that you used in 1985 with the numbers that are now being used by those same school boards in 1988, the share that the province was paying has dropped in the field of public elementary education, which he said, not only in the election but in throne speech after throne speech, that the emphasis was on. His commitment to public education for young people, for separate education for young people, has declined since 1985. How does he justify breaking as fundamental a promise as that, that he would be doing more for kids and not less for kids, when, in fact, he is doing less for kids?

**Hon. Mr. Peterson:** The Minister of Education will tell the honourable leader why he is wrong in all respects.

**Hon. Mr. Ward:** I would like to indicate to the honourable Leader of the Opposition how delighted I am that he has raised the issue of the fundamental commitment we have made to the

quality of elementary and secondary education in this province. He will know that during the course of the last throne speech, we came forward with a series of very significant reforms in elementary education, including the reduction of classroom sizes in grades 1 and 2, additional funds for updated learning materials and resource materials, a commitment to extend the program of provincial reviews and learning materials, textbooks and education technology. We have met each and every one of those commitments and more.

We have fundamentally reduced the local burden of property taxation in this province for educational purposes. The member will know full well that under the Education Act, it is school boards that have the responsibility for accommodation, not the provincial Treasury. We have increased our commitment in that regard by some 400 per cent over the course of the last three years.

Our current capital program is providing additional space for another 45,000 students. All of this points clearly to the fact that we are meeting our commitments and more.

**Mr. R. F. Johnston:** I gather the minister is telling us that the Premier did not lie in early August, when he said—about the money that would be put into lowering the student-teacher ratio in grades 1 and 2 and other changes—when he said this year, that being 1987, the government would spend \$296 million on those programs in that year. As of this point, the government has spent one quarter of that amount in two years. The minister is telling me today that the Premier did not lie.

**Hon. Mr. Ward:** I would point out that over the course of the past two years during the distribution of financial resources in the allocations given by the Treasurer (Mr. R. F. Nixon), the amount of funding to school boards across this province has increased by more than \$500 million over the level that it was in 1987.

**Mr. Speaker:** Final supplementary.

**Mr. R. F. Johnston:** I notice that the minister did not specifically indicate whether he thought that was a lie—

**Mr. Jackson:** No doubt in my mind.

**Mr. Cousens:** Throw him out.

**Mr. Speaker:** Order, order. With respect, I wish all members would take the time to think of what they are saying. Final supplementary.

**Mr. R. F. Johnston:** I put it very specifically and my language is as clear as I would like to make it, that the words that were spoken are not



those which have been followed up with action. I would like to ask the minister if the government has changed its position, yes or no, on the basic premise that it will assume 60 per cent of those costs? Or is it still going to waffle-waffle around with the wording that we have been hearing for the last little while and try to pretend that it now has the same position that it had in the past, although it has changed it dramatically?

**Hon. Mr. Ward:** I would say that the only waffle-waffling that appears to be going on is certainly not coming from this government, but indeed is coming from those members over there. I would invite the members to compare apples to apples, to compare oranges to oranges. It would seem to me to be rather deceptive for the Leader of the Opposition (Mr. B. Rae) and his education critic to get up and specifically point to one aspect of the general legislative grants, as they have in their questioning, and refer to the amount of funds that are committed to public elementary education, when they know full well that the grants are sensitive to local conditions.

More than 61 per cent of this year's general legislative grants are going to elementary education. This government is committed to reducing the burden of educational costs that are borne by local taxpayers. We have done that by increasing our legislative grants well in excess of the rate of inflation. We have done that by assuming more of the burden for accommodation. We have done that in a fair and responsible way. Not only have we met the commitments made by the Premier in 1987, but we have exceeded them.

#### RETAIL STORE HOURS

**Mr. Brandt:** My question is to the Premier. In the interest of maintaining this happy environment that we have in the assembly today, I would like to offer something constructive to the government by way of the question that I want to raise.

Back in August 1987, the Premier indicated that he wanted to maintain and retain a common pause day in Ontario. He has further said, and the same remarks have been echoed by the Solicitor General (Mrs. Smith), that the problem with the current act is that there are not sufficient deterrents within that act, in terms of the fine system, to deter retailers from opening on a Sunday.

It is my suggestion to the Premier—and I am going to propose this by way of a private members' bill later today—that the fines for individuals and for retail stores be increased to a maximum of \$50,000 from the current levy,

which I believe is \$10,000. That would act as a very specific deterrent, and would allow his government to have the kind of teeth in the act that would retain a common pause day in this province. It would allow the government to take action against those stores that do want to open on a Sunday inappropriately, or against the current law.

Is the Premier prepared, and is his government prepared to support such a private bill, which we could pass very quickly today in this House?

**Mr. Speaker:** Thank you. The question has been asked. Premier?

1420

**Hon. Mr. Peterson:** May I congratulate my honourable friend for his constructive suggestion talking about legislative speed, about moving bills quickly through this House. He may want to talk to some of his critics, who have been ragging the puck for the last year sitting in committee. I have listened to people who have sat in committee and seen the members opposite waste time, fool around and just push the parliamentary rules to the absolute limit. I say to my honourable friend that he is lucky he has such a sensitive and tolerant government here that is prepared to tolerate these opposition shenanigans.

For him to walk in on the last day of the session before Christmas with the magic solution to this matter, I am telling him with greatest respect to my dear friend opposite, at this time of Christmas, a time of charity for all, the time of temperate language and love for one's fellow man, that it strains all credibility.

**Mr. Brandt:** Let me just say to the Premier that perhaps some of the backbenchers who are also opposed to his legislation and have not had the intestinal fortitude to stand up and object to it enjoyed the response he just gave. The Premier has indicated time and again that he is not prepared to enforce the current legislation and the current law, simply because the fines and the levies are not high enough.

We indicate to him that those fines and levies can, in fact, be increased very substantially through a vote. We have told him for the past three years that we wanted to retain a common pause day and that we are not satisfied with his passing the buck on to municipalities with respect to Sunday shopping.

Is the Premier prepared to take the right step during this very happy season to give a clear signal to the retailers and to the merchants that he is going to maintain the word that he gave in August with respect to a common pause day?



**Hon. Mr. Peterson:** Honestly, I do appreciate it is Christmastime; a lot of strange things are said, and I understand that. People want to get home, and I appreciate it. But listen to what my honourable friend is saying. He is going to have the magic solution this afternoon and ask us to do three readings of his bill. We could accomplish the very same purpose by bringing the bill that does increase the penalties out of committee into this House.

Let me say that the bill before the House increases the penalties. It brings in an injunctive power to clean up some of these situations. It is all there. Now, if my honourable friend wants to be constructive—and I know he does, because deep down in his soul, wizened up as it appears sometimes, he wants to be constructive and make the process work—why does he not talk to the members opposite, his members, and ask them to get that bill out of committee this afternoon? I will ask my colleagues for their co-operation. We will pass it this afternoon, and there will never again be any uncertainty about where the law is.

**Mr. Brandt:** This may come as a shock to the Premier, but our members on this side of the House are quite prepared to pass the good parts of his bill, but he should not ask us to pass the nonsense that is contained in his bill. We are not going to pass those parts of the bill.

We have adequate time this afternoon to refer my private member's bill to the Premier and to his staff lawyers to have them review it. It is a very simple, two-part bill that effectively calls for an increase in fines to \$50,000; and second, allows for an injunction, if that is necessary, on the part of the government to close a store that does not comply with the current act.

Without trying to fluff it with his usual rhetoric, is the Premier prepared to move on this and preserve Sunday as an official pause day and a day of rest in Ontario?

**Hon. Mr. Peterson:** I appreciate my honourable friend's suggestion, ill thought out as it is, in this matter. He wants to pass the good side and not the bad side. I remind him that goodness and badness are very much in the eye of the beholder. He feels he is right to hold up this Legislature.

Let me tell him that we have had 55 legislative days discussing this bill: 10 days in the House, 25 days in committee in public hearings and 20 days in committee with clause-by-clause. That is 55 days, and if the member believes he is advancing the human wisdom on this matter by fooling around, by slowing the process down, then so be it. It is his right to take advantage of the rules, but let me tell my honourable friend that to hold up

the bill for 55 days and then to walk into this House, albeit, I must say, somewhat arrogantly and say, "We will pass our bill in an afternoon"—If I came in with that kind of view, the member would come in and accuse us of gross arrogance. This being Christmastime, I will not do that except to wish my honourable friend a very happy holiday season.

**Mr. Brandt:** The Premier does not want to enforce the law. It is as simple as that.

**Hon. Mr. Scott:** We have charged everybody.

**Mr. Brandt:** You have a law on the books now you are not enforcing.

**Mr. Harris:** He does not want to enforce the existing law and he does not want to enforce his own bill and the amendments the government is proposing.

**Hon. Mr. Scott:** Remember Roy.

**Mr. Speaker:** Order.

**Hon. Mr. Scott:** I often quote him back to you.

**Mr. Brandt:** Don't do that. It's not fair.

**Hon. Mr. Scott:** Roy McMurtry said the bill is unworkable.

**Mr. Speaker:** Order. The member for Nipissing has a new question, to which minister?

**Mr. Harris:** I apologize for the interjections. The Attorney General (Mr. Scott) could not contain himself and neither could I.

#### ONTARIO HOME OWNERSHIP SAVINGS PLAN

**Mr. Harris:** I have a question for the Minister of Housing. Can the minister tell us how many Ontario residents will benefit from the Ontario home ownership savings plan this year?

**Hon. Ms. Hošek:** That program is administered by the Treasurer (Mr. R. F. Nixon) and I would like to pass the question to him.

**Hon. R. F. Nixon:** As a matter of fact, the program is administered by the Minister of Revenue (Mr. Grandmaitre).

**Hon. Mr. Grandmaitre:** The spirit of Christmas is in the air. The Liberal Party shares its responsibilities.

Let me give the honourable member an update on the great program called OHOSP, the one that the honourable member did not believe would work at the time of the passage of that bill. In eastern Ontario, there are 639 plans; in central Ontario, 807 plans; in southwestern Ontario, 837; in northern Ontario, the place where the

member thought it would not work, 209; and the good news is, in *Metro Toronto* 1,108 plans.

So I think it is great news. We will continue to promote the program and more and more of our low- and middle-income families are taking advantage of this great program.

**Mr. Harris:** The Minister of Housing (Ms. Hošek) defers to the Treasurer when I talk about the cost of housing; she defers to Municipal Affairs on land-use policy; she defers to Cardinal Carter when it comes to providing affordable housing in the province; and now she does not want to answer. She was front and centre when the announcement was made on this program and now she is deferring—

**Hon. Mr. Scott:** You used to have high regard for Cardinal Carter. He went to all your banquets.

**Mr. Speaker:** Order. To the Minister of Revenue? That would be great.

**Mr. Harris:** When the Minister of Housing and the Minister of Revenue launched this program, it was with great fanfare. I have the press release here. The minister said very clearly that 150,000 Ontario residents would benefit. The Minister of Housing concurred with that number. To date, there have been fewer than 7,000 applications. When we consider that many of those are husband and wife or wife and husband, the estimate one could most realistically put on it is 4,000. So if this program carries on for 300 years, the minister might meet his target.

The most any individual can contribute is \$10,000. The maximum permitted per couple is \$20,000 over five years. Realistically, they need \$60,000 for a down payment. Does the minister really believe the program is going to help any one, single individual across this province, and does he dispute any of the figures that I have just quoted?

1430

**Hon. Mr. Grandmaitre:** I just told the honourable member that 6,000 individuals have taken advantage of this great program, and we will continue to provide low-income and middle-income earners with the opportunity. I want to remind the honourable member that the six national banks have taken up our program, as well as 10 trust companies, 70 credit unions, two caisses populaires. I could go on and on. We expect to reach our objective of 150,000 units or programs.

First of all, the honourable member did not believe in the program, and now that he hears the

good news of the program he still wants to discount it.

**Mr. Harris:** The minister is right. I did not believe in the program then, and it has been confirmed to me now that very few Ontarians believe in it. Those who have taken part in the program are seeing the cost of housing accelerate day after day, far in excess of what they can benefit from in this program.

I would like to ask the minister, the Treasurer and the Minister of Housing—they are all involved in this conspiracy to drive up the price and the cost of housing. I find it intriguing that they are able to predict exactly. They can have the estimate of how many people will benefit when they bring in a new program. How is it that when they talk about something like increased taxes or \$10,000 on the price of a home for a lot levy, they have no idea of that impact? They have no idea how many people that affects.

Can the minister explain to me why, when they think it is good news, as this one is not, they are prepared to come up with projections and estimates, however unrealistic they are, and yet when it comes to lot levies, no studies are done, nothing is done?

**Mr. Speaker:** Thank you. Would the member take his seat. Minister.

**Hon. Mr. Grandmaitre:** I want to remind the honourable member that we are not discussing lot levies. The question originally asked of me was: What is the future of OHOSP? I think I have supplied the honourable member with every detail of OHOSP. When it comes to lot levies, I think this government is responsible enough to think about low-income and middle-income earners, and we will provide the number of units promised by this government.

#### HOME CARE

**Mr. Allen:** To the Premier: On September 3, 1987, the Premier made an important election promise to the disabled, the ill and the seniors of this province that he would expand integrated homemakers services to an additional 10 centres, from 18 to 28. With the end of a second fiscal year now in sight, we have still to see those 10 additional centres.

Worse, he has capped the program, diverted \$2.8 million of the unspent dollars to other programs. The Red Cross has now announced it is unable to tolerate his inaction and is going out of home care services. Visiting homemakers associations across the province are losing large numbers of unpaid staff and are cutting services. Has the Premier forgotten this promise or did the



Premier, as it would appear, have a secret plan to destroy Ontario's home care services for these people?

**Hon. Mr. Peterson:** I think the minister can help the honourable member.

**Mr. Speaker:** It has been referred to the Minister of Community and Social Services.

**Hon. Mr. Sweeney:** The honourable member will be aware of the fact that when the integrated homemakers program was first introduced, it was indicated that there would be six sites across the province that would be a pilot program to determine what the costs, the takeup and the makeup of the program itself would be.

The member will be aware of the fact that it became apparent fairly quickly that we needed more exposure than that, and we added an additional 10 sites to bring it up to 16. Two more sites were added on to bring it up to 18. That is where we are at the present time.

The member is well aware of the fact that it is now very apparent that the cost and the takeup are much more extensive than what we had originally imagined. It is reasonable at this point in time that we should put a temporary hold on further expansion and clarify exactly what the scope and the cost of this program ought to be.

**Mr. Allen:** The minister, of course, is aware of the opinion in the field that it was the very incompetence of the implementation process in the first place that led to the necessity to cap and therefore to the breaking of the promise that was issued on September 3.

Since the minister and the Premier seem not to understand the situation, let me refer to Brant county and to Hamilton-Wentworth. The south-west central Red Cross region, for example, says that the reason it is getting out of the business is quite simple: the government gives 4.5 per cent transfer increases, but expenses are beyond its control. For example, Workers' Compensation Board is up 10 per cent, office costs are up 34 per cent, telephone costs are up 38 per cent and travel costs are up 30 per cent in a single year.

The Brant county Red Cross outside of Brantford is going out of business and has announced suspension of activity. Visiting homemakers has the same problem—

**Mr. Speaker:** And the question?

**Mr. Allen:** —in that 52 staff have been lost this year. There are no responses to the advertisements to increase their staff since September. How could the Premier and how could the minister concoct election promises of this kind to the elderly, the ill and the disabled which they

evidently were not willing enough or competent enough to keep?

**Hon. Mr. Sweeney:** I would remind the member that in addition to the integrated homemakers program he refers to, the Ministry of Health has a home care program which covers approximately two thirds of the homemakers in the province. That is an ongoing program.

I would also point out to him that in this current fiscal year, we indicated to all of our various municipalities which operate the program for us that they could allow that program to grow until September 30 and then we would guarantee support for the program as of that point.

To the best of my knowledge, in every one of those 18 sites, all the spaces that have been allocated to those programs are in fact in place. There are people making use of them. As soon as we possibly can, we will provide more assistance so that they can expand the program even further.

**Mrs. Marland:** Actually, my question was for the Premier, but since he is referring all his questions today, I am wondering if perhaps he could give us a list of the subjects that he is prepared to answer questions on today.

#### PROPOSED LANDFILL SITE

**Mrs. Marland:** I will ask my question to the Minister of the Environment rather than have it referred to the Minister of the Environment.

Over a year ago, the Minister of the Environment said the environmental assessment process for the region of Peel's municipal landfill was severely and fatally flawed. Then a few months ago he issued an order to Peel to do more research on its site selection process because it was, "inconclusive and unsatisfactory." Since the region of Peel has spent millions of dollars studying its site to this point, will the minister explain why the region of Peel's process was flawed?

**Hon. Mr. Bradley:** I think the member is well aware of that, as she has been knowledgeable as a former member of council and has had discussions with members of council. I am sure, as a good local member, she has those discussions and follows these matters very carefully through the news media.

What they were dealing with in the specific case of Peel was a circumstance where initially they looked at what we refer to as the alphabet sites, and then they went on beyond that. They left those behind and looked at what I call the numbered sites.

Our concern was, as they went through the process and towards a board hearing, with regard



to the chances of their having any success at that. Because of the concerns the previous deputy minister had flagged with them and because of concerns that our ministry staff had flagged with them, there was a very good chance they might not be successful in this regard. For this reason, we felt that appropriate action had to be taken.

I had a very good meeting with the representatives of Peel, including the chairman and the mayors of the three municipal councils and other members of council and staff, where we were able to discuss in detail ways of rectifying this situation as well as we possibly could. I thought it was a very productive meeting. We did not dwell on history, as we could have, and get into a conflict over that. We said, "How can we resolve this matter in the best interests of everyone?" I thought it was a very worthwhile meeting.

1440

**Mrs. Marland:** I really wonder how the minister can say all that with a straight face. He is saying that Peel's process is flawed at the same time that he is using the region of Peel as an example for other municipalities to follow, because of the assessment's comprehensive nature and its high quality.

I have here a copy of his ministry's comments on the site selection process for a landfill site in the township of St. Vincent. Ministry staff provided St. Vincent with a copy of Peel's site selection process document.

**Mr. Speaker:** The question?

**Mrs. Marland:** Since St. Vincent was told to use the region of Peel "as an example of a more comprehensive methodology for site selection," how can the minister send the region of Peel back to the drawing board and then tell other municipalities to follow its model? Will they then be penalized, as Peel has been, when he receives their environmental assessment documents?

**Hon. Mr. Bradley:** The member will know that there were a number of items within the environmental assessment which was submitted by Peel that were well done and some items that were matters of concern to representatives of the Ministry of the Environment. We believe that those areas where they were strong are ones which others could use as an example. But in the specific case where Peel was heading towards a board hearing, the chances of its being successful were not very great. If they are not successful in that particular operation, the member will know that they have a rather significant problem.

What we asked was that they go back and look at the other sites they had originally looked at,

because that offered at least some opportunity, when questioned by the board, to say, "Yes, we have assessed those other sites on the same basis as we have assessed the numbered sites and we think that ultimately we could be successful."

Because specific parts of their environmental assessment process were good, it does not mean that all parts of that process were such that they would be successful before the board, so I think people can learn from all of the processes that we go through in Ontario.

## INSURANCE COMPANY INSOLVENCIES

**Mr. Faubert:** My question is to the Minister of Financial Institutions. Insolvencies in the insurance industry can be devastating to consumers whose claims often remain unpaid or delayed through lengthy liquidation proceedings. Since 1983, there have been seven insurance company insolvencies in Ontario.

Can the minister advise this House of any recent initiatives he has taken to ensure that consumers are protected in the case of insurance company insolvencies?

**Hon. Mr. Elston:** We have been busy ensuring that the consumers of the province have been receiving protection in just such an event. We have entered into a co-operative agreement with the insurance industry to form what is called a Property and Casualty Insurance Compensation Corp., which has been entered into by all of the provinces, or at least a number of the provinces across Canada, together with us, to deal with issues other than, as well as but other than, the auto insurance industry.

It does not affect those parts of the industry that deal with life and health insurance; but for those other areas I talked about, the people over on the other side of the House in the opposition parties would be glad to know that there is a manner in which people who are involved with premiums in other insurance companies that become insolvent are protected to the limit of \$200,000. I think that is a positive indication that there is a protection there in case an insolvency occurs, which of course does have a very negative impact on those people who are policyholders.

**Mr. Faubert:** I would like to thank the minister for his response, and I am sure the consumers are pleased to hear they will be protected should their property or casualty insurance company become insolvent. However, can the minister advise the House what the Ontario government is doing to prevent insolvencies in the first place?



**Hon. Mr. Elston:** We are doing several things, including—

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Elston:** This is of course a means of last resort to ensure that there is protection of consumers, but we also have a regulatory role to play which ensures that the companies are going to continue to be solvent.

I would have to say that the public in Ontario is well served by not only this initiative but also the initiative the other people in the opposition parties are harping about, which is with respect to making it very clear what comprises the rate-setting structure in the automobile section. Of course, we are undertaking a very thorough analysis of that to ensure protection there.

We are also providing—and the member for Scarborough-Ellesmere (Mr. Faubert) has asked the proper questions about protecting the consumer in the event of insolvency—extra information so that the consumers of this province will have the market information and can make timely and astute decisions on the products which are to be marketed to them through the insurance industry. Those are positive influences on how the people of this province protect themselves in buying insurance.

#### WINE INDUSTRY

**Mr. Mackenzie:** I have a question to the Premier. If I had broken my word on education, auto insurance and home care, I would not want to be answering the questions in this House either.

Let me deal with another area. Let me deal with the area of free trade.

Interjections.

**Mr. Speaker:** Order.

**Mr. Mackenzie:** The Premier of this province was very, very specific on the fact that if six specific conditions were not met, there would be no deal. Does the Premier not believe that he has misled the people of this province, given the fact that he did nothing about it when none of those six commitments were met, or does he think this is a new standard of honesty for answers from politicians to the people of Ontario?

**Hon. Mr. Peterson:** I will tell the honourable member the new standard. It is a standard his people are trying to set in the House, borrowed directly from the federal campaign. If he wants to do that, that is fine. I understand he wants to push the language, and that is okay. I understand he

has a point he wants to make, but he is setting new low standards in this House.

It may be because my honourable friend is under such pressure from the labour movement, for whom he is the official voice, because he so let them down, because his party dropped the ball in this debate, not our party. We represented that, I think, with courage, conviction and compassion, and he fumbled from the beginning to the end, so my honourable friend is trying to cover his rear end with some of his union friends. That is his problem, not this House's problem.

Interjections.

**Mr. Speaker:** We will just wait. It is fine. Go ahead.

Supplementary. The member for Algoma.

**Mr. Wildman:** The Premier said specifically in August 1987 in Welland that he was not prepared to sell out our farmers on free trade and that it would be foolish to deal the wine industry away on the table of the free trade negotiations.

Considering those statements, can the Premier explain why he threw away his commitment to the Niagara grape growers by going along with the \$100-million deal proposed by the federal government, which works out to about \$5,000 an acre for the grape growers going out of production in Ontario as opposed to \$8,000 in British Columbia? Why is he inflicting a slow death on the grape growers and the wine industry in this province instead of a quick one?

**Hon. Mr. Peterson:** I am glad my honourable friend raised that question. As members know, a deal was worked out with the grape growers and the wineries over a 12-year phase-down, really irrespective of the free trade agreement.

**Mr. Wildman:** Five thousand dollars an acre.

**Hon. Mr. Peterson:** No, it was a different deal. The agreement was worked out in British Columbia with respect to the free trade provisions, which we believe to be a very serious mistake and to be computed over a seven-year period, which is a very different markup system.

My honourable friend, I think, understands this because he has raised a serious question. At the same time, we are under some assault by the General Agreement on Tariffs and Trade, as he knows, and right at this very moment there are negotiations going on in Brussels. I can tell my honourable friend those are very tough negotiations and I ask him to speak to the wine industry or the grape growers in this province. There is no government that stood up for them more than we have. If anybody has given them away it is the

federal government, just as I fear it may be in the process of doing now in Brussels.

**1450**

I say to my friend that he understands only very superficially that of which he speaks. I am trying to explain the situation to him, even though he does not want to hear it. There are two factors at play, the free trade agreement, which we do not support and which we believe would take out the industry, and the assault from the European Community through GATT at the same time.

Those negotiations are ongoing. They are very worrisome to us at the moment. It depends on the federal government—not the Ontario government, because we do not have a seat at the table—to negotiate and stand up for our industry. I can tell the member, if we cannot make a reasonable deal on the 12-year provisions, if we are forced into the seven-year provisions that are now under GATT, it will take out a much higher percentage of the industry than is contemplated by the deal between the grape growers—

**Mr. Speaker:** Thank you. Order. That seems like a fairly lengthy answer.

#### AMBULANCE SERVICES

**Mr. Jackson:** My question is to the Minister of Health.

Both the member for Mississauga South (Mrs. Marland) and myself have been bringing the question regarding the extended, protracted ambulance strike in Halton-Peel to her attention. She has consistently stated that it is a labour issue, it is not a health issue. She has consistently stated that her staff have advised her that the 600,000 residents of those two regions are not at risk.

It has come to my attention that last night it was posted on the staff board of the ministry's service, the York-Peel ambulance service in Brampton, that, effective December 19, her ministry has authorized up-staffing and extra vehicles at the overtime rate in order to assist Halton-Peel and cover Mississauga during the Christmas season during the strike period.

Will the minister confirm those actions?

**Hon. Mrs. Caplan:** Over the Christmas holiday season, we want to make sure that services are available to people across the province. When we determine that it is necessary to make sure that backup services are available in any region, we do so.

**Mr. Jackson:** We have consistently stated that the residents of Halton and Peel are at a

greater and unacceptable risk. We said 100 days ago to the minister that the level of risk was unacceptable, and we brought specific cases to her.

Her actions, which are appreciated, are but a Band-Aid. They indicate that the minister is, in fact, digging her heels in for a long strike. She is not looking for solutions here. She is looking to minimize the damage that may occur as a result of inadequate service during the strike.

**Mr. Speaker:** Question.

**Mr. Jackson:** My question is, will she establish a similar arrangement for Burlington residents with a Hamilton ambulance service so that they get not only seasonal coverage through Christmas but also—

**Mr. Speaker:** Your question has been asked.

**Hon. Mrs. Caplan:** On numerous occasions in this House, I have informed the members that whenever there is a labour dispute, there is always a contingency plan which is in effect. Assistance is available from vehicles in surrounding areas. I have said that in this House before. I restate that again today.

I want to assure the member that we are monitoring the situation of this labour dispute on an ongoing basis to assure that emergency services are maintained and that there is no risk to the public.

#### ASSISTANCE FOR DIABETICS

**Mr. Owen:** I have a question for the Minister of Health.

About 150 people in the Barrie area use portable blood-monitoring equipment to better control their blood sugar for diabetes. I understand that across the province there would be around 6,000 people using the same equipment. The assistive devices program was introduced a couple of years ago, whereby the province pays about 75 per cent of the cost of the equipment and supplies. I understand that the program and the assistance from the province in this area have now been cancelled, and I would ask the minister if she could please give us some assistance. If this has taken place, why has it taken place?

**Hon. Mrs. Caplan:** I want to thank the member for his question and his interest in this important subject. In fact, the information in the form of his question is not quite accurate. Funds are provided through a transfer payment to the Canadian Diabetes Association of some \$500,000 this year, which began in 1985, and those funds will continue through this year.



The original intent of the program was to provide monitors and strips for children. Permission was given by the ministry to expand the program to adults, provided that the Canadian Diabetes Association could do so within its existing and current allocation. The ministry has not cancelled the program. I am pleased to inform the member of that. We are committed to ensuring that the funds which have been committed are available to the Canadian Diabetes Association.

**Mr. Owen:** I hear the explanation by the minister. I am advised by the adults in my area that they are now forced to look at getting and supplying the equipment and the process for themselves. They tell me that the initial cost will be about \$250, that the test strips of blotting paper would run around \$50 a month and that they would also be responsible for the vials of insulin, which would run about \$15 each.

I can see that the minister is aware of the need for the program. It would appear that the program is so popular and in such great use that maybe that is one of the reasons we enter this difficulty—

**Mr. Speaker:** Question?

**Mr. Owen:** I wonder if the minister could advise us on where we stand with regard to the use of this program for the balance of this year and where we stand with the use of the program next year.

**Hon. Mrs. Caplan:** The Canadian Diabetes Association has submitted a proposal to the ministry outlining its funding projections for its adult program. The ministry is currently reviewing the proposal to assist them in designing a program that would allow service to be provided within the existing allocation. However, the Canadian Diabetes Association has assured the ministry that adequate funds are available in this fiscal year to meet the program needs.

#### TUITION FEES

**Mr. R. F. Johnston:** In the absence of the Premier (Mr. Peterson), who, on leaving, assured me he would refer the question anyway, I would like to ask a question of the Minister of Colleges and Universities.

In the past, the Premier and this government have made commitments to full accessibility to universities for whoever was eligible to go. Yet they have just indicated that they are going to have a 7.5 per cent increase in tuition rates without any major changes in the Ontario student assistance program. How does the minister square these two things?

**Hon. Mrs. McLeod:** If I can use that question as an opportunity to talk about how the commitment to accessibility has been fulfilled, I would be delighted. Let me deal with the most specific aspect of the member's question, which is why there has not been a corresponding announcement about increases in OSAP.

As the honourable member may be aware, increases in the student assistance fund are not a part of the annual budget process. We did announce increases in OSAP in the last budget. We have always, on an annual basis, increased the OSAP provision for tuition to reflect any changes in tuition increases, and I have indicated quite clearly that that would be the case again this year.

**Mr. R. F. Johnston:** That is quite a different matter from amending the OSAP process entirely instead of just adjusting it for those who are available to it. The minister will know that students today pay 20 per cent more of the costs of their education than they did during the Tory days of the mid-1970s. Can the minister explain to me why it is that she has not accepted the advice she has already received from the Ontario Federation of Students, from which I am going to send her 2,400 postcards asking for a freeze in tuitions for this year, as well as 1,128 signatures on a petition? Why did the minister not take the approach of having a freeze in tuitions if she really wants to have full accessibility?

1500

**Hon. Mrs. McLeod:** There has been for some time a recognition that it was reasonable to expect that students would pay some portion of the cost of their university and college education. I am confused about the particular figures the honourable member has used. I have some data before me in terms of the most recent years, the proportion of their university costs that students have paid. I see a figure here in 1983-84 of 18.6 per cent. Last year our figure was 18.2 per cent that university students paid, on average, of the cost of their education. The most recent increase would be something in the area of 18.4 per cent.

There are times in the past when it has been much higher than that. We feel we have stayed in a consistent pattern with what has been, historically, the pattern of increasing tuition fees at the same rate as the increase in government transfer payments. We have increased our grants to universities by 7.5 per cent and have followed that same pattern with tuition fees.

#### COURT FACILITIES

**Mr. Cousens:** I have a question for the Attorney General. I would like to ask the



Attorney General, who is responsible for the courts and the judiciary in the province, what are acceptable working conditions for staff and the public in courthouses in Ontario?

**Hon. Mr. Scott:** It is difficult to answer that question in a general way. As the honourable member knows, perhaps, we run court in 235 separate locations in Ontario, and it is very important that we should keep court as accessible to communities as we can. What that means, of course, is that in many cases—in almost all cases except the big cities—we have to occupy rented accommodation. In many instances we have to occupy rented accommodation that we simply have perhaps one or two days a week. Therefore, we are very much and very often obliged to take what is available in the local marketplace.

**Mr. Cousens:** Last week, on December 7, I did ask the Attorney General to do something about the problems in the small claims court in Richmond Hill. The minister murmured, which maybe was not totally recorded in Hansard but was heard by this side of the House, that it was no big deal when I raised the problem about high carbon dioxide levels in that courthouse, the fact that there is no air return in the building, the fact that there is still no ventilation a week later.

A reporter was sick this morning during court. There is no change in the carbon dioxide levels. It was so cold yesterday that a judge had to sit in the courthouse with his overcoat on. The thermostats are still locked up so that the staff cannot get at them to adjust the heat in the building.

As one of the most powerful people in the Peterson cabinet, will the Attorney General make the commitment to the House today to do something, at last, to solve the whole of the heating problems and the air problems in the small claims court in Richmond Hill?

**Hon. Mr. Scott:** I am always upset when the honourable member makes these remarks in the absence of the Premier (Mr. Peterson), and I hope next time he will ask such a question in such a way when the Premier is present. It would do me and perhaps him more good.

Let me explain to the honourable member first of all that I never said it was no big deal. If the honourable member thinks he heard that, I want to confirm that he is mistaken and I wish he would stop spreading around what is not the case.

The second thing is that I take very seriously the conditions that exist in this rented accommodation in Richmond Hill. There is a carbon dioxide problem in the building, which poses no physical danger to anybody but does, I concede,

create a certain amount of stuffiness in the courtroom.

Interjections.

**Hon. Mr. Scott:** It is not always that carbon dioxide creates stuffiness in a courtroom, but in this instance, the stuffiness is created by carbon dioxide, but it is not physically dangerous, though it is, no doubt, unpleasant.

As I have told the honourable member, I was aware of the problem. We have obtained consultants. We are working with the landlord to see how this can be most effectively remedied within the terms of the lease. I take it seriously and I want the honourable member to know that we were on the job before he got into this and are looking at the problem very seriously.

#### OAK RIDGES MORAINÉ

**Mr. Beer:** My question—and I think it is fitting at the end of this question period—is to the Minister of Natural Resources.

The minister is aware of an important water system in existence just north of Toronto, namely, the Oak Ridges moraine and its river system, including the unique Kettle Lake system in the area.

This fall, the Metropolitan Toronto and Region Conservation Authority presented a plan to the Ministry of Natural Resources to protect the Oak Ridges moraine and the headwaters for the river system that flows into Toronto. Can the minister inform the House of the status of that report and what action his ministry is planning to take in connection with the Metro Toronto recommendations?

**Hon. Mr. Kerrio:** It seems appropriate that we should end with that kind of very sensible, good question by the member for York North.

The facts are that I am at the present time reviewing the presentation made by the conservation authority. In fact, I met with the conservation authority on November 10. I wanted them to know that, of course, I am very interested in the environment and the water in that particular area.

The problem we have is that it is taking into account a much broader range of protection than the authority generally has. We are talking about some \$135 million, so I have asked them—and I think it is appropriate that I should put it on the record—that the proposal be presented to the greater Toronto area of urban development for its input and support.

We support the Metro conservation authority to the tune of some \$7 million for many of the good things we do. Of course, we have to take



into account the initiatives that are being spoken to by the member for York North. We do have a considerable responsibility there.

In response to the supplementary—

**Mr. Speaker:** We have run out of time.

## PETITIONS

### HOME CARE

**Mr. D. R. Cooke:** I have two petitions, each with 14 signatures, addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, indicating:

“We, the undersigned, beg leave to petition the parliament of Ontario as follows:

“The Canadian Red Cross Society, Ontario division, homemaker service, as part of the government’s home care program, provides service to the elderly, handicapped, ill or convalescent in order that they may remain in their own homes. This care is a much less expensive alternative to institutionalization. The Red Cross homemaker service, the largest not-for-profit homemaking agency in Ontario, requests the parliament of Ontario to assist in the operation of this essential service so that it may continue to be viable. The Red Cross homemaker service is currently in a crisis situation, having a deficit of \$1.1 million which is threatening our ability to continue to serve the people of the province.”

### TEACHERS’ SUPERANNUATION FUND

### CAISSE DE RETRAITE DES ENSEIGNANTS

**Mr. Poirier:** In the absence of the member for Cornwall (Mr. Cleary), I have a petition signed by 76 individuals. It reads:

“To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

“We, the undersigned, beg leave to petition the parliament of Ontario as follows:

“To amend the Teachers’ Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

“The proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment.”

Interjections.

**Mr. Speaker:** Order. I am afraid I must inform the members that we will just have to wait until they reduce their private conversations to nothing. Order.

1510

**M. Poirier:** « À Son Honneur le lieutenant-gouverneur et à l’Assemblée législative de l’Ontario:

« Nous, les soussignés, désirons soumettre au Parlement de l’Ontario une requête:

« Pour modifier la Loi de 1983, qui régit le régime des pensions des enseignants, afin de permettre à tous les enseignants retraités avant le 31 mai 1982, d’avoir droit à un calcul nouveau de leur pension basé sur les cinq meilleures années plutôt que sur les sept ou dix années prévues actuellement. Cette modification à la Loi de 1983, que nous proposons, ferait que la pension de tous les enseignants retraités serait basée sur le critère des cinq meilleures années et deviendrait ainsi équitable pour tous et toutes. »

### HOME CARE

**Mr. Jackson:** I have a petition:

“To the Honourable the Lieutenant Governor and the Legislative Assembly:

“We, the undersigned, beg leave to petition the parliament of Ontario as follows:

“Whereas the Red Cross Society has incurred a deficit because the government of Ontario has failed to fulfil its promise to adequately fund home care services and therefore the Red Cross may be forced to withdraw its home care services, we petition the Treasurer of Ontario to adequately fund the Red Cross service so that 170,000 citizens of Ontario are not forced to seek more expensive care in an institutional setting.”

The petition has my support and my signature.

### TEACHERS’ SUPERANNUATION FUND

**Mr. J. B. Nixon:** I have a petition which is signed by 304 persons, and I would mention that several of the signatories are in the west gallery. The petition reads:

“To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

“We, the undersigned, beg leave to petition the parliament of Ontario as follows:

“To amend the Teachers’ Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated at the best five years rather than at the present seven or 10 years.

“The proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment.”

**Mr. Black:** I have a petition:

“To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years."

"The proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

There are 331 signatures on this petition, and I add my name to it.

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Mr. Epp from the standing committee on the Legislative Assembly presented its report on the process for the restoration of the Parliament Building and moved the adoption of its recommendations.

**Mr. Epp:** Some time ago this Legislative Assembly committee was charged with the responsibility of coming forth with a recommendation on restoration of this particular building, the legislative precinct. A subcommittee was struck, made up of representatives of the three political parties. The subcommittee met on a number of occasions and a recommendation therefore has come forth asking the Legislature to adopt this report.

Essentially, what we are asking is that a committee be made up of the Speaker and the chairman of the Legislative Assembly committee, who would act as co-chairmen, together with three representatives, one from each political party, and that they be charged with the process of the restoration and renovation of this particular building.

I am hopeful that in the new year the House leaders will find time for this report to be debated in the Legislature, and that at that time the Legislature will support the recommendation and restoration of this building can go forth in the way the members would like to see it happen.

On motion by Mr. Epp, the debate was adjourned.

### STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr. Philip from the standing committee on public accounts reported the following resolution:

That supply in the following amount and to defray the expenses of the Office of the

Provincial Auditor be granted to Her Majesty for the fiscal year ending March 31, 1989:

Administration of the Audit Act and statutory audits program, \$6,923,000.

### STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Mr. Laughren from the standing committee on resources development presented the following report and moved its adoption:

Your committee begs to report the following bill as amended:

Bill 83, An Act respecting the Protection of Farm Practices.

Motion agreed to.

Bill ordered for third reading.

### STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

Mr. D. R. Cooke from the standing committee on finance and economic affairs presented the following report and moved its adoption:

Your committee begs to report the following bill as amended:

Bill 120, An Act to amend the Tobacco Tax Act.

Motion agreed to.

Bill ordered for third reading.

### STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr. Elliot from the standing committee on general government reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Municipal Affairs be granted to Her Majesty for the fiscal year ending March 31, 1989:

Ministry administration program, \$12,039,400; municipal affairs program, \$921,859,700; community planning program, \$39,105,200; Niagara Escarpment Commission program, \$1,759,000; Ontario municipal audit program, \$1,601,800; waterfront development program, \$550,000.

## MOTIONS

### PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Mr. Conway moved that Mrs. Sullivan and Mr. Adams exchange places in the order of precedence for private members' public business.

Motion agreed to.



## STANDING ORDERS

Hon. Mr. Conway moved that the provisional standing orders be extended to remain in effect until 12 midnight on Wednesday, May 31, 1989.

Motion agreed to.

## ADJOURNMENT OF HOUSE

Hon. Mr. Conway moved that when the House adjourns today, it stand adjourned until 1:30 p.m. on Tuesday, January 3, 1989.

Motion agreed to.

1520

## INTRODUCTION OF BILLS

INDIAN LANDS AGREEMENT  
CONFIRMATION ACT

Hon. Mr. Scott moved first reading of Bill 200, An Act to confirm a Certain Agreement between the governments of Canada and Ontario.

Motion agreed to.

**Hon. Mr. Scott:** Parts of this bill, which has previously been introduced, are to confirm an agreement made between the federal government and the government of Ontario respecting Indian lands.

The agreement was made in 1986 and is a replacement for the 1924 Indian lands agreement.

RETAIL BUSINESS HOLIDAYS  
AMENDMENT ACT

Mr. Brandt moved first reading of a bill entitled, An Act to amend the Retail Business Holidays Act.

1540

The House divided on Mr. Brandt's motion for first reading of the bill, which was negatived on the following vote:

## Ayes

Allen, Brandt, Breagh, Bryden, Charlton, Cooke, D. S., Cousens, Cunningham, Eves, Grier, Hampton, Harris, Jackson, Johnson, J. M., Johnston, R. F., Laughren, Mackenzie, Marland, Martel, McCague, McLean, Morin-Strom, Philip, E., Pollock, Pouliot, Rae, B., Reville, Runciman, Sterling, Villeneuve, Wildman.

## Nays

Ballinger, Beer, Black, Bossy, Bradley, Brown, Callahan, Carrothers, Chiarelli, Collins, Conway, Cooke, D. R., Cordiano, Curling,

Dietsch, Eakins, Elliot, Elston, Epp, Faubert, Fawcett, Ferraro, Fleet, Furlong, Grandmaître, Henderson, Hošek, Kanter, Kerrio, Keyes, Kwinter, LeBourdais, Lipsett, Lupusella, Mahoney, Matrondola, McClelland, McGuigan, McGuinty, McLeod;

Miller, Morin, Neumann, Nixon, J. B., Nixon, R. F., O'Neil, H., O'Neill, Y., Oddie Munro, Offer, Owen, Pelissero, Phillips, G., Poirier, Polsinelli, Poole, Ray, M. C., Reyecraft, Riddell, Roberts, Smith, D. W., Smith, E. J., Sola, Sorbara, South, Sullivan, Sweeney, Tatham, Velshi, Ward, Wilson, Wong, Wrye.

Ayes 31; nays 72.

## ORDERS OF THE DAY

House in committee of the whole.

La Chambre en comité plénier.

INTERVENOR FUNDING PROJECT ACT  
(continued)LOI SUR LE PROJET D'AIDE FINANCIÈRE  
AUX INTERVENANTS  
(suite)

Consideration of Bill 174, An Act for the establishment and conduct of a Project to provide Funding to Intervenors in proceedings before a Joint Board under the Consolidated Hearings Act, 1981 and before the Ontario Energy Board and the Environmental Assessment Board and to provide for certain matters in relation to costs before those Boards.

Étude du projet de loi 174, Loi concernant la mise sur pied et la direction d'un projet visant à fournir une aide financière aux intervenants dans des affaires instruites devant une commission mixte créée en vertu de la Loi de 1981 sur la jonction des audiences, devant la Commission de l'énergie de l'Ontario et devant la Commission des évaluations environnementales et visant certaines questions relatives aux dépens adjugés par ces commissions.

Section/article 7:

Interjections.

**Mr. Chairman:** Order, please. Would you please put an end to the private conversations so we can start committee of the whole House?

I have been told that when you concluded yesterday you were still debating clause 7(3)(a), and there was debate going on. The parliamentary assistant was—

**Mr. Offer:** Pursuant to standing order 8(b), may I move to a front seat with assistants, please?

**Mr. Chairman:** Are there any objections if the parliamentary assistant goes and takes a front seat? Please come forward.

Are we ready to start?

1550

**Mr. Offer:** We are. I understand that at the end of the day yesterday, the member for Mississauga South (Mrs. Marland) was discussing her amendment on clause 7(3)(a), and I would just like to get verification of that.

**Mrs. Grier:** It was my amendment.

**Mr. Offer:** I am sorry. I understand that it was the New Democratic Party amendment.

**Mr. Chairman:** Who would like to start the debate today?

**Mrs. Marland:** At the point that we adjourned yesterday, we were discussing the reality of interveners' being granted intervenor funding and then being limited to having the fees set at those fees for lawyers, being only at the—what is the term?—legal aid level.

The fact of the matter is that I do not think we are going to have any intervenor groups that are going to be misusing the funding that they receive, but I think that they should have the choice of using the funding that they receive as effectively as possible. However, the amendment we are speaking to now is suggesting that the fees be set at a certain rate, and that rate would be at the maximum rate of remuneration for the private sector lawyers retained by ministries of the government as set out in those directives of Management Board of Cabinet, "in effect on the day of the award for work necessarily and reasonably performed."

While that indeed gives more latitude than does the bill itself, which restricts the rate to the legal aid rate under the legal aid plan—and I support the amendment that is on the floor—we will see when I come to address my amendment which follows, that in fact we do not need to set the legal fees at all, because I think it is up to the intervenor groups. When they apply for funding, they are certainly going to maximize the funding that they receive under this act to the greatest benefit to their cause; and they are certainly not going to go out and pay exorbitant, unnecessary legal fees when perhaps they may want to save some of their funding allocation for planners or consultants in other areas of specialty.

I think the necessity to limit the fee for lawyers is unnecessary, and I hope in fact that the whole clause will be removed when we come to my amendment. I have a great deal of confidence in the people who apply for intervenor funding, and

I am quite confident that they may rather use a lawyer at rate X for 10 hours than a legal aid rate for 20, 30 or 40 hours. I think that choice should be left up to the applicants for the funding.

**Mrs. Grier:** In response to this amendment, the parliamentary assistant to the Attorney General, the member for Mississauga North (Mr. Offer), told us yesterday that the government could not accept this amendment, but went on to point out that the government's proposed amendment to subsection 12(3) would permit the provision of additional costs at regular counsel rates at the end of a hearing according to the tariff set by the board.

Before we vote on this amendment of mine, I would be interested in hearing some confirmation from the parliamentary assistant that the fact that under clause 7(3)(a) the act contains the statement that legal fees would be assessed at the legal aid rate will in no way preclude an intervenor group from asking for costs at the end of a hearing and for asking for costs for counsel that would be in excess of the legal aid rate. Could we have that confirmation?

**Mr. Offer:** I can affirm that statement by the honourable member for Etobicoke-Lakeshore (Mrs. Grier). Section 3 deals with the question of intervenor funding and it is stated by this act that the intervenor funding question is limited to legal aid rates.

We know that not only are the legal aid rates involved but the eligible disbursements are coming up in some forthcoming sections. However, there is also the provision, during the hearing, for the ability for the intervenor to once more come before and request an increase of the funding allocation.

It could be that the initial determination has been too short. Through amendments we are going to bring forward, our legislation will allow the intervenor, during the hearing, to say that our initial assessment of the time and our initial assessment of the disbursements are incorrect. It will allow that initial determination to be expanded.

There is a third function, and that will be after the hearing. After the hearing is not a determination of funding; it is a determination of costs. Let me make very clear that the cost determination is not limited to legal aid rates, legal aid tariff. It is a matter of determination before the board and it will take into account many of the principles which it has already. But to be clear, the cost determination at the end of the hearing is not limited to legal aid rates, and in fact, is almost a



different animal from the funding determination at the beginning of the hearing.

**Mr. Chairman:** Is it the pleasure of the committee that the motion carry?

All those in favour please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

1600

**Mr. Chairman:** Mrs. Marland moves that clause 7(3)(a) of the bill be struck out.

**Mrs. Marland:** I addressed the reason for removing this section in my previous comments in support of the amendment moved by the member for Etobicoke-Lakeshore.

I think it is very clear that the people whom we are discussing who would be eligible for intervenor funding are certainly going to be shopping around for fees and services. It would not be in their best interests not to use whatever funding they are allocated to best effect their cause. That being so, I think to limit the fees in terms of the use of lawyers just does not make sense.

As the act says,

"(3) In determining the amount of an award of intervenor funding, the panel shall,

"(a) if the proposal includes the use of lawyers in private practice, assess legal fees at the legal aid rate under the legal aid plan in effect on the day of the award for work necessarily and reasonably performed."

I really wonder why, if the government is trying to equate how much funding should be granted, it also would not look at fees for other people those intervening groups may wish to hire to represent their interests at a hearing. As I have already said, of course, that would cover professional planning consultants and perhaps environmental specialists and other areas.

I recognize that different types of evidence are brought before different types of boards in these hearings and that it does necessitate the bringing together of that evidence by an individual; very often, that individual is a lawyer. I would like to ask the government to address the question of whether intervenor funding is only going to be granted to intervenor groups who choose to have a lawyer represent them before these boards.

It has been possible in the past for individual groups of citizens to appear on their own behalf before these boards. I am not aware of anything in the acts, if you are appearing before any of the boards this legislation covers, that requires you

to hire a lawyer. Are you not able to represent yourself or your group's own interest?

If the answer to that is in the affirmative, then it would follow that you should be able to select your own consultants to help you make that presentation. If it does not involve a lawyer at all, then I would think the board would be interested in looking at the fees for other consultants who may want to introduce evidence on the part of the intervenor group.

**Mr. Offer:** In response to the honourable member for Mississauga South, there is no obligation under this legislation for intervenors to employ lawyers. However, and I think it is an extremely important point, when this legislation is in place it will allow intervenors to employ lawyers at first instance, having a guarantee that those lawyers can be paid at the legal aid rate, win or lose. This is a right intervenor groups have been asking for on a regular basis without the ad hocery that now exists. So in response to the member's first inquiry, there is not a necessity on the part of intervenor groups.

Second, one has to ask why they would not have lawyers when this legislation is in place, which will guarantee the solicitor they choose the legal aid rate, win or lose.

Third, with respect to the issue she brings forward in terms of consultants and expert witnesses, I must say that is a very important and a good point. If one takes a look at the existing subsection 7(5), one sees a definition of "eligible disbursements" which talks about, among other things, "expert witnesses, typing, printing, copying," etc.

We will be moving an amendment which will include consultants. If that amendment passes, I think it will in large measure meet the concern the member has raised in her comment.

**Mrs. Marland:** I appreciate the support of the parliamentary assistant to my comment to the degree that he is going to make another amendment which identifies the concern that I have raised. I appreciate his listening to that degree.

I hear very clearly what it is that he is saying about its allowing the intervenor groups to finally be able to know that they can hire lawyers to represent their cause, their interest and their concern and to know that those lawyers will be paid, to use his own words, "at the legal aid rate, win or lose."

The problem is that in the real world it is pretty tough, if you are going to use a lawyer, to go before any of these boards in these types of hearings with a lawyer at the legal aid rate and be



opposite the kinds of lawyers that the proponents of the kind of applications that are often dealt before these boards have.

We are dealing with a very different level of experience, I think is perhaps the most polite way for me to put it. Very often, the more experienced lawyers justifiably charge higher fees, and they are entitled to those because their fees are based on their experience.

Very often, lawyers who are highly qualified and highly competent do not have the time to give from their practice to legal aid. It is not easy in the real world to hire—I will not mention by name, but we all certainly know the leading lawyers in Ontario. A lot of those people, with their experience and competency, simply would not be available at the legal aid rate. They simply do not have the time. But it might well be an advantage to that intervenor group, instead of spending X dollars with somebody who will accept the legal aid rate, to be able to go out and hire the person who has the expertise and the level of experience that can in fact win the case for it.

All I am saying is that I do not think this clause 7(3)(a) is fair. It is great that this is what the Intervenor Funding Project Act is all about, giving the accessibility to intervenor groups at least to have money to fight their cause, but I suggest it is a bit like giving them the shield without the sword.

I think it would be great if we said to them: "Okay, here is your money. This is a fair assessment of what you will need." If they are going to hire land use planners or environmental specialists, botanists, tree specialists—there is a whole realm of expertise that is often called in to give evidence at these hearings—if he is going to establish fees now for all areas of the hearing, then I think he has to look very closely at how he says to those intervenor groups, "These are the fees we will pay," rather than, "This is the cap on the amount of intervenor funding we will give you to fight your case."

**Mrs. Grier:** Like the member for Mississauga South, I certainly agree that clause 7(3)(a) is not particularly fair, but with all due respect, I think the amendment that I previously put, which increased the level of that support to the tariff paid by the government to private sector lawyers hired for other purposes, is a better way of making it fair than striking it out altogether.

I am afraid I cannot support the amendment of the member for Mississauga South, because I feel that if we do not have any basis for the remuneration of lawyers in the act, we are putting

the groups at an even further disadvantage. While I recognize that they need to have the flexibility to decide whether or not to hire a lawyer at all, I think they still have that flexibility.

**1610**

The point of this subclause is that if they do hire a lawyer, this is the amount of intervenor funding that they will be given. If they in fact wish to hire somebody and pay more, and have the funds to do that, I suspect they will not be before the funding panel looking for intervenor funding in the first place.

While I regret that my previous, constructive amendment, which provided a real alternative, was not accepted by the parliamentary assistant, I am afraid I cannot accept this amendment to strike out the clause altogether.

**Mr. Offer:** Once more, there are eligible disbursements that would permit intervenor groups to receive funds to pay for those expert witnesses, printing and all of the necessary items in order to put forward an extremely good case.

We are going to be moving an amendment—I believe I have shared that amendment with my colleagues opposite—adding the word "consultant." We think that will be another step forward in making certain that the intervenors are able to put forward an extremely good case and have the funds to pay those individuals necessary to do so.

Last, let me say that the legal aid rates are part of the intervenor funding. That is part of the whole question of lawyers' fees and eligible disbursements, which form part of the funding process. At the end of the hearing, there is the right on the part of the intervenors to ask for costs which is not limited to the legal aid rates.

I believe that this bill, the amendments we have put forward and the amendments we propose to put forward will make this an extremely important and workable piece of legislation for all those concerned groups dealing in matters before the board.

**Mr. J. B. Nixon:** I am discouraged by the presumption of the opposition and the third party that one gets effective or good representation before one of these tribunals only if one pays the prevailing rate for an elderly downtown Bay Street lawyer, in the order of \$200 to \$250 an hour.

There are many among them who do charge that rate but who are willing to appear before these tribunals for interest groups pro bono or for the legal aid tariff. In any event, there are many who work for that rate who are quite willing to accept that rate in whatever cause there might be



before this tribunal, or the Ontario Municipal Board or whatever.

I suggest to the members that they not concern themselves with the quality of representation as determined by the amount paid.

**Mrs. Marland:** I feel it is important to respond for the sake of the record to say that at no time was I discussing elderly downtown lawyers, nor did I refer to any fees. I have no idea what the fees are. My comments were not directed in the vein that was just presented by the member for York Mills.

**Mr. Chairman:** Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**Mr. Chairman:** Mr. Offer moves that clause 7(3)(b) of the French version of the bill be struck out and the following substituted therefor:

"b) fixe un plafond à l'égard des débours qui peuvent être versés comme partie du montant accordé, ces débours étant limités aux débours remboursables."

Does the parliamentary assistant have an explanation in English or in French?

**Mr. Offer:** Very simply, the French-language translation did not adequately reflect the meaning of the English section.

**M. le Président:** Le député de Lac Nipigon va se rendre à sa place?

**M. Pouliot:** Non, c'est simplement qu'une copie du texte vient de nous parvenir.

Vous me permettez, Monsieur le Président, de rappeler à mon aimable collègue les premiers mots que lui, sans doute, a appris dans la langue de Molière. Ils étaient les suivants: «Voulez-vous...». C'est ce qu'il a dit, les premiers mots. S'en souvient-il?

**Mrs. Marland:** Just a second.

**M. Pouliot:** «Voulez-vous amender...» You will love this one. Take your time.

«Voulez-vous amender...», et on parle ici un peu d'un texte quand même assez simple. Encore une fois, il est quand même dommage que le temps précieux de cette Chambre, que dans notre temps précieux on ait dû, à la dernière minute comme ça, nous proposer un amendement qui est quand même assez bénin.

Je remercie mon collègue. Je peux aussi lui rappeler dans le même esprit, avant que lui ne se permette de m'interrompre, et je parle aussi de l'amendement qu'on propose au projet de loi

174, à l'article 7 – les yeux commencent à me manquer; vous savez, c'est la première chose qui fait défaut, souvent – aux l'alinéas 7(3)b) et c). Je les cite pour l'adjoint parlementaire: «b) détermine la nature et le plafond des débours remboursables dans le cadre du montant accordé»; et aussi: «c) déduit du montant accordé les sommes que l'auteur de la demande peut raisonnablement se procurer par d'autres moyens.»

«Chasseurs, sachez chasser; il a tant plu qu'on ne sait plus dans quel pays il a le plus plu» sont des matières beaucoup plus compliquées que ce simple amendement que notre parti et notre critique se doivent d'appuyer.

**M. le Président:** Merci. Est-ce qu'il y a quelqu'un qui a une réponse, un commentaire? Non? We are ready to vote on this?

Motion agreed to.

**Mr. Chairman:** Mrs. Grier moves that clause 7(3)(c) of the bill be struck out and the following substituted therefor:

"(c) deduct from the award funds that have been made available to the applicant from other sources."

Does the member for Etobicoke-Lakeshore have an explanation or comment?

**Mrs. Grier:** The reason for this amendment is that the clause in the bill reads that "an applicant may deduct from the award funds that are reasonably available to the applicant from other sources." I think that is far too uncertain.

How do you know what might be reasonably available? There is certainly the danger that a funding panel may decide that you might be eligible for funds from this foundation, from that ministry, from this public interest group, but there is no certainty that in fact those funds will be coming. The intervenor may find himself penalized by having deducted from the award something that the funding panel thinks he may be eligible for but for which in fact he has no guarantee that he will obtain. It is very much a bird in the bush, and he will be losing the bird in hand.

The point of my amendment is that they would deduct from the award only funds that have actually been made available to the applicant from other sources.

**Mr. Chairman:** Any explanation from people who want to participate?

1620

**Mr. Offer:** Certainly I will participate in that.

First let me say that we cannot support the amendment put forward by the member for

Etobicoke-Lakeshore. Our reason for this is that it would be in many cases almost impossible to determine at the outset, with respect to the question of intervener funding, what funds are actually or reasonably available. This is a determination in light of an initial issue at the beginning of the hearing. We feel it would be difficult to determine whether, in this case, the funds would be actually available; there are matters where funds may be forthcoming during the hearing. That is why we must keep the words "reasonably available" as opposed to "actually available." At the beginning of the hearing, that determination is very difficult to make.

Second, I would like to indicate that some of the concerns the honourable member brings forward are matters that I believe are addressed in the bill. I think it is fair to say that the concern is that some of those funds which are reasonably available might not become actually available; that is the paramount concern, if I may say, of the member for Etobicoke-Lakeshore.

However, when one takes a look at subsection 12(1) of the legislation, there is the right for supplementary funding—that is, funding available to the intervener during the course of the hearing. If it turns out, for instance, that moneys which were reasonably anticipated did not materialize, then there is the right of the intervener to apply for supplementary funding; that, having regard to all of the circumstances, the original award was inadequate.

In terms of subsection 12(1), we have to take a look at subsection 12(2), because subsection 12(2) states that the supplementary funding determination does take into account sections 7 to 11. Clause 7(3)(c) is, of course, within that right of determination, so it is our position that we are not supporting the amendment but that if there were anticipated funds to the intervener which did not materialize, for whatever reason, there would still be the right of the intervener to come before the board during the hearing to make that case known, which would, we feel, possibly alter the funding whereby they could in fact receive more funding.

**Mrs. Marland:** I support this amendment. I think it is a very important amendment, because where legislation falls down is where there are any weaknesses open to interpretation. Perhaps this bill was drafted or helped to be drafted by the same author who drafted Bill 114, which is An Act to amend the Employment Standards Act. I recognize that that is a ministry bill, but the use of the word "reasonable" is the one that is causing a lot of difficulty with that particular bill. It is

where an employee would have reasonable cause to refuse work or, rather, be able to refuse work he considers unreasonable.

Where you have a word like "reasonable," which is open to interpretation by anyone or someone, whichever way you want to express it, it simply leads to too much variance of interpretation. I think it would make it far more healthy and clean to make sure that if one has to deduct from the award funds because of funds available to the applicant from other sources, then whether they are "reasonably available" is up to the person who is trying to obtain the funds, I would suggest.

I think this is an excellent amendment, and we certainly would support it.

**Mr. Chairman:** Is it the pleasure of the committee that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**Mr. Chairman:** Mr. Offer moves that subsection 7(5) of the bill be amended by inserting after the word "for" in the second line the word "consultants."

**Mr. Offer:** This change will permit funding for consultants who do not appear as expert witnesses. This will allow intervener groups to have technical assistance without necessarily always having to call them as witnesses and still allow the fee for that consultant to be an eligible disbursement and allow it to be funded under the intervener funding rule.

Motion agreed to.

Section 7, as amended, agreed to.

L'article 7, modifié, est adopté.

Sections 8 to 11, inclusive, agreed to.

Les articles 8 à 11, inclusivement, sont adoptés.

Section/article 12:

**Mr. Chairman:** Mr. Offer moves that subsection 12(1) of the bill be amended by inserting after the word "at" in the second line the phrase "any time up to."

**Mr. Offer:** I have alluded to this proposed amendment in a number of comments on concerns raised by the member for Mississauga South and the member for Etobicoke-Lakeshore. Currently the provision applies only for funding at the beginning of the hearing. This change will allow for applications for supplementary funding.



As we know, often conditions change or hearings take several years, and anticipated funding requirements may arise that would require additional funding. This amendment will permit those groups which have been given not only intervener status but intervener funding the right to go before the board during the hearing to say, "Our initial assessment in terms of legal fees, disbursements, was incorrect for the following reasons and we require X more dollars." This is a right we believe is extremely crucial for all interveners to have.

**Mrs. Grier:** I certainly welcome this amendment. I think it does clarify the fact that applicants can come back in the middle of a hearing, and we will certainly be supporting it.

**Mrs. Marland:** We will certainly be supporting it also. It is very important, with the latitude we have already been discussing this afternoon with professional fees, and recognizing that we are dealing with all kinds of expertise that is required at these hearings. The fact that intervenor group applicants may reapply at any time during the hearing is a significant amendment, and we support it.

Motion agreed to.

1630

**Mr. Chairman:** Mr. Offer moves that subsection 12(3) of the bill be struck out and the following substituted therefor:

"(3) The amount of intervener funding received by an intervener shall be deducted by the board from any costs awarded to the intervener."

**Mrs. Marland:** I do not have this amendment.

**Mr. Offer:** I am sorry. I thought we had provided all the amendments.

**Mrs. Marland:** I just have section 12a.

**Mr. Chairman:** The clerk assistant will bring you some copies. Will the parliamentary assistant provide some information?

**Mr. Offer:** Yes, my pleasure. Currently, the legislation prevents an intervener who receives intervener funding from receiving costs in relation to the issues for which it was awarded funding. I have, as I indicated on subsection 12(1), alluded to this proposed amendment many times in response to concerns raised by the member for Mississauga South and the member for Etobicoke-Lakeshore.

Of course, by not being able to apply for costs at the end of the day, the interveners would be put in a difficult position, because they would be forced to fund the intervention at a low level and would be unable to supplement it with costs at the

end. This amendment will treat the intervener and the proponent equally, since the intervener is otherwise liable to have a costs award against it in appropriate circumstances.

We believe this amendment will remove the bar on recovery, but provides, of course, that any funding received by the intervener will be deducted from any costs award. This will make certain there is not a double recovery, while at the same time giving the intervener who has received funding the opportunity to apply at the end of the day for a costs award, thereby increasing the amount of money that intervener has received for the intervention.

**Mrs. Grier:** I just want to indicate that we support the amendment.

**Mrs. Marland:** We also support the amendment.

Motion agreed to.

**Mr. Chairman:** Will section 12, as amended, carry?

**Mr. Offer:** We have an addition to section 12. I am wondering if it is proper to go on with all of section 12 until we have moved that addition.

**Mr. Chairman:** Are you referring to section 12a, which would become a new section in the renumeration of the bill?

**Mr. Offer:** That is correct.

**Mr. Chairman:** Maybe we should adopt the current section 12 completely, and then we shall deal with section 12a as a separate section.

**Mr. Offer:** As you wish.

**Mr. Chairman:** As I was saying before, shall section 12, as amended, carry?

Section 12, as amended, agreed to.

L'article 12, modifié, est adopté.

**Mr. Chairman:** Mr. Offer moves that the bill be amended by adding thereto the following section:

"12a(1) An appeal lies only on a matter of law with respect to a decision on intervener funding.

"(2) An appeal shall be commenced by way of application to the High Court and shall be heard by a single judge.

"(3) If the judge finds an error of law, the judge may,

"(a) make any order or decision that the funding panel or board, as the case may be, ought to have or could have made;

"(b) order a rehearing by the funding panel or the board as the case may be;

"(c) dismiss the appeal."

**Mr. Offer:** Basically, the bill before the House did not contain an appeal mechanism for

those interveners who have applied for funding but may have been turned down. This amendment will allow for those interveners to be able to appeal on a point of law to the High Court and be heard by a single judge.

**Mrs. Grier:** I just want to indicate our support for the amendment.

**Mrs. Marland:** I have a question. Where the wording is "on a matter of law," an appeal lies only on a matter of law with respect to a decision on intervener funding. Further down it says, "If the judge finds an error of law." I was wondering if there was a reason the wording is not "of law or fact."

**Mr. Offer:** The proposed amendment will provide only an appeal on a matter of law, thereby leaving the factual determination in the hands of the funding panel.

**Mrs. Marland:** Do you think that is clear enough as it is written?

**Mr. Offer:** I do.

**Mrs. Marland:** Okay. Is there a reason the government has drafted it that such an appeal shall be heard by a single judge?

**Mr. Offer:** Yes, there is. The reason is that we believe this type of matter, which is extremely important in the larger issue—remember, there is an actual hearing going on—will allow the hearing of the appeal in a much faster fashion if it goes to a single judge. That is why we have specifically indicated the single judge. We think matters of this nature are desired by the intervener group to be appealed and adjudicated on as quickly as possible. We have to keep in mind there is also the whole hearing that is to be commenced.

Motion agreed to.

Sections 13 to 15, inclusive, agreed to.

Les articles 13 à 15, inclusivement, sont adoptés.

Section/article 16:

**Mr. Chairman:** Mrs. Grier moves that section 7 of the Consolidated Hearings Act, 1981, as set out in section 16 of the bill, be amended by adding thereto the following subsection:

"(8) A joint board shall not award costs against an intervener unless it is of the opinion that the application of the intervener for intervener funding is made in bad faith or is frivolous or vexatious or is made only for the purpose of delay."

**Mrs. Grier:** The purpose of this amendment is to make it very clear to funding panels that

intervener funding is a right and that costs cannot be awarded against somebody who is seeking intervener funding unless the reasons are very clearly in bad faith, frivolous or vexatious.

I suspect the parliamentary assistant is going to say this is not necessary, but I point out to him that much of the purpose of this bill is to provide some certainty for citizen and community groups in the whole exercise of their rights before administrative tribunals. I think it is important that in addition to the intervener funding, they be given the certainty that costs will not likely be awarded against them. So I have moved this amendment and similar amendments to the other pieces of legislation affected by Bill 174.

1640

**Mr. Offer:** We will be opposing this amendment. Boards will have the discretion to determine costs awards and it is extremely important and appropriate that they retain this discretion. Costs are only one way in which the board can control the process in terms of an ineffective intervention.

What we have to realize is that we are talking about the issue of costs as opposed to the question of funding, which has been determined at the stage just after determining intervener status. Funding may also have been varied during the hearing, but what we are talking about now is that at the end of the hearing, the boards should have the discretion to award costs on the basis of how the case was proceeded with. That is a right the boards have and that is a right we believe they should retain. We believe that is a right that will make for effective interventions and effective hearings.

**Mrs. Marland:** We support this amendment. Actually, it is not an amendment; it is an addition and we see this as a very important addition.

I respect what the parliamentary assistant is saying about the board having to have the option of deciding whether there was an effective or ineffective intervention, but I think this addition is very well worded because it talks about the fact of whether the intervener has done something in bad faith or is frivolous or vexatious, or the intervention is only made for the purpose of a delay.

I think that the poor examples of this kind of event happening during a hearing are being addressed by the wording. Quite frankly, the public should have the consideration that is in this wording, because there is nothing more intimidating than your risk of costs being awarded against you on unfair grounds. In the wording of this addition, both the hearing panel



and the public are protected; and certainly the third dimension of the public, which is the public that funds the intervener in the first place.

**Mr. Chairman:** Any other comments? Questions? Are we ready to vote then?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

Section 16 agreed to.

L'article 16 est adopté.

**Mrs. Grier:** My amendments to section 17 and section 19 are the same as that which has just been defeated for section 16, so I would like to withdraw both of those amendments.

Sections 17 to 20, inclusive, agreed to.

Les articles 17 à 20, inclusivement, sont adoptés.

**Mr. Chairman:** Mr. Offer moves that the bill be amended by adding thereto the following section:

"20a. The amendments set out in sections 16, 17 and 19 apply only to hearings in relation to which public notice of hearing is first given after the coming into force of this section."

**Mr. Offer:** This is an amendment out of caution, because the law is somewhat unclear whether a change in cost provisions would apply to proceedings already commenced before the proclamation of the act. As such, what we are doing by this section is making it very clear that the whole cost provision sections will not have any effect on those matters currently being heard before this act is proclaimed.

**Mrs. Grier:** I commend the parliamentary assistant for his caution. He is a very cautious man. His minister is a very cautious minister. It is a very cautious government. This bill is a very cautious step forward on intervener funding. I support this cautious amendment.

Motion agreed to.

Sections 21 and 22 agreed to.

Les articles 21 et 22 sont adoptés.

**Mrs. Grier:** The rest are stacked votes.

**Mr. Chairman:** That is right. We have some stacked votes, deferred votes right now.

1700

The committee divided on Mrs. Grier's amendment to section 1 dealing with "board," which was negatived on the following vote:

Ayes 25; nays 59.

The committee divided on Mrs. Grier's amendment to section 1 dealing with "joint board," which was negatived on the same vote.

Section 1 agreed to.

L'article 1 est adopté.

The committee divided on Mrs. Marland's amendment to subsection 5(1), which was negatived on the following vote:

Ayes 25; nays 59.

The committee divided on Mrs. Marland's amendment to subsection 5(2), which was negatived on the same vote.

The committee divided on Mrs. Marland's amendment to subsection 5(3), which was negatived on the same vote.

The committee divided on Mrs. Marland's amendment to subsection 5(4), which was negatived on the same vote.

Section 5 agreed to.

L'article 5 est adopté.

On motion by Hon. Mr. Conway, the committee of the whole House reported one bill with amendments.

À la suite d'une motion présentée par l'hon. M. Conway, le comité plénier de la Chambre fait rapport d'un projet de loi avec certains amendements.

**Hon. Mr. Conway:** I would like the consent of the House to proceed with third reading of Bill 174.

Agreed to.

## INTERVENOR FUNDING PROJECT ACT LOI SUR LE PROJET D'AIDE FINANCIÈRE AUX INTERVENANTS

Hon. Mr. Scott moved third reading of Bill 174, An Act for the establishment and conduct of a Project to provide Funding to Intervenor in proceedings before a Joint Board under the Consolidated Hearings Act, 1981, and before the Ontario Energy Board and the Environmental Assessment Board and to provide for certain matters in relation to costs before those Boards.

L'hon. M. Scott propose la troisième lecture du projet de loi 174, Loi concernant la mise sur pied et la direction d'un projet visant à fournir une aide financière aux intervenants dans des affaires instruites devant une commission mixte créée en vertu de la Loi de 1981 sur la jonction des audiences, devant la Commission de l'énergie de l'Ontario et devant la Commission des évaluations environnementales et visant cer-

taines questions relatives aux dépens adjugés par ces commissions.

**Mr. Harris:** As we give third reading to this bill, after having just finished committee of the whole, I would like to indicate that we are prepared to do so. We think there are times when there are subjects before us that we all agree on when one dispenses with the normal waiting period to move from second reading to third reading or committee of the whole to third reading.

Earlier today, you will recall, a response to a question from my leader dealing with a matter which certainly all the members on this side of the House—drawing a line up to my left here—considered important, that being Sunday shopping. When we suggested that the rules be waived and that we proceed with second and third reading of the amendments, identical to the amendments that the minister is seeking for the Sunday shopping legislation, the Premier (Mr. Peterson) said, “Oh no, that is not the way things are done.”

I think it is important to point out to the chamber that anomaly, that when it is in the government’s interest, the opposition is delighted to accommodate it.

**Hon. Mr. Kerrio:** That’s ridiculous and you know it.

**Mr. Harris:** I can debate it at great length if the Minister of Natural Resources (Mr. Kerrio) wants to get into it further. The bill that was brought forward by my leader, with the support of the New Democratic Party, had not only the exact amendments that the minister is seeking to the Sunday shopping legislation but, in fact, are the reasons that the minister has been throwing back at us for the past several weeks as to why the current legislation is unenforceable.

Christmas is upon us, Boxing Day is upon us, and we undoubtedly are going to see large department stores opening. Had the government seen fit to deal with that bill in the same manner in which we are waiving the rules to deal with intervenor funding, that need not have been the case, and it would not have been the case this Christmas. I wanted that to be on the record.

**Hon. Mr. Scott:** I am unable to say much in response to what the honourable member has said, but I would like to thank all members of the House for their interested support for this legislation, particularly the two opposition critics who, while not successful on every single point, made an extraordinarily useful contribution to our review, as the government, of the legislation, and to the process in the House.

I would like also to thank my parliamentary assistant for his conduct of this and the other bills. I know it was very much in the mind of the Premier, when he was appointing parliamentary assistants, to get me a parliamentary assistant whose conciliatory, managed and cheerful nature would be an appropriate antidote to the minister to whom he was assigned. Since his appointment, I have had more legislation introduced and passed, times three or four, than I ever did when I was on my own.

**Mr. D. S. Cooke:** That is because he does your lobbying.

**Hon. Mr. Scott:** That may be.

I would like to thank all honourable members and on behalf of our party, if nobody else is going to be speaking today, wish you all a happy Christmas and the compliments of the season.

Motion agreed to.

La motion est adoptée.

Bill ordered to be reported.

Le projet de loi devra faire l’objet d’un rapport.

1710

**Mr. Harris:** On a point of order, Mr. Speaker: According to standing order 20(a), when a member speaks—I think it is on third reading, as well, but you can correct me—is there not an opportunity for two-minute comments on the speeches?

**Mr. Speaker:** I believe the member is correct. I asked if there were any other members who would like to speak and then I recognized the Attorney General (Mr. Scott).

**Mr. Harris:** The member for Carleton (Mr. Sterling) felt he wanted to comment on the speech. That was brought to my attention. I want to indicate to you that we are prepared to waive that on this occasion, but it is something that the House might want to bear in mind as we carry on here.

### THIRD READINGS

### TROISIÈME LECTURE

The following bills were given third reading on motion:

Les motions de troisième lecture des projets de loi suivants sont adoptées:

Bill 9, An Act permitting Trustees and other Persons to dispose of South African investments;

Projet de loi 9, Loi permettant aux fiduciaires et à d’autres personnes d’aliéner les placements sud-africains;



Bill 120, An Act to amend the Tobacco Tax Act;

Bill 150, An Act to amend the Courts of Justice Act;

Bill 181, An Act to amend the Legislative Assembly Act;

Bill 196, An Act to amend the Psychologists Registration Act.

#### GASOLINE TAX AMENDMENT ACT

Hon. Mr. Grandmaître moved third reading of Bill 121, An Act to amend the Gasoline Tax Act.

**Mr. Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Motion agreed to.

#### FARM PRACTICES PROTECTION ACT

Hon. Mr. Riddell moved third reading of Bill 83, An Act respecting the Protection of Farm Practices.

**Mr. Harris:** On both this bill and Bill 120, I would have expected that the government House leader would have asked for unanimous consent to deal with these, when they are not in Orders and Notices. We are pleased to accommodate, obviously. That has always been our nature. I do not want to go to great length to point out that it was not the nature of the Premier (Mr. Peterson) today when my leader brought up the question of being able to deal with a couple of readings of a bill that I thought would have been important to the government.

If somebody is suggesting that unanimous consent be given, I do, on behalf of my party, say we are agreeable to proceed.

**Hon. Mr. Conway:** I think the member makes a good point. I had discussed this with the panel this morning and informally this afternoon. I am remiss this afternoon in not, chapter and verse and in a public way, asking for that consent. I apologize, because, of course, I want always to accommodate.

Motion agreed to.

#### ONTARIO HIGHWAY TRANSPORT BOARD AMENDMENT ACT

Hon. Mr. Fulton moved third reading of Bill 87, An Act to amend the Ontario Highway Transport Board Act.

**Mr. Morin-Strom:** I appreciate the opportunity to speak on Bill 87. Over the period of the

last few months, we have had considerable debate in the standing committee on resources development: public hearings and then clause-by-clause consideration of both Bill 87 and Bill 88, two bills which threaten to do serious harm to the trucking industry in Ontario.

This bill is called An Act to amend the Ontario Highway Transport Board Act. There is serious concern about whether this board will continue to exist in Ontario. The minister knows quite rightly that he has had information provided to him from experts in the field, from the trucking industry and from lawyers who are experts in the field of transportation, that the consequence of these two bills is very likely to be the disappearance of the Ontario Highway Transport Board in Ontario.

We are looking at the disappearance of the opportunity for public interest hearings to protect an industry which is vital to Ontario, which could well threaten drivers and vehicles on our public highways.

We have, throughout the process of the hearings of this committee, been treated unfairly, I think, by the minister and his staff in terms of the kinds of responses we have received throughout the committee process.

There has been a lack of consideration by the government of the testimony received from experts in the field, from those concerned with their future in the transportation industry and concerned about the future of the highway transportation segment in Ontario.

In particular, there is serious concern about a major invasion of our industry by American transport interests. One of the major protections we have had in the past in protecting that industry has been the existence of the Ontario Highway Transport Board and its ability to conduct public interest hearings to determine whether the public interest is upheld when we allow access to our public highways to major trucking interests which may well not reflect the future interests of the people of Ontario.

I would like to speak briefly about some of the concerns we have had in the committee with respect to the kinds of responses we have received throughout the committee process.

I bring up first the matter of the treatment which we as members of the Legislature received from the Minister of Transportation (Mr. Fulton) and his staff in terms of providing information, and being forthcoming with the committee on the information we requested and really deserved, with regard to holding adequate hearings on this bill.

1720

Early during the committee hearings back in August, we asked for information with regard to highway safety. Highway safety was a major consideration of these hearings. We heard testimony from the ministry that in fact 20 per cent of the trucks on our roads today are not operating legally. That does not mean they are all operating unsafely, but operating illegally—not having proper, licensed authority to carry the goods that they are carrying, or in the amounts that they are carrying them, or with the type of equipment they should be using. The ministry's evidence was that 20 per cent of those vehicles on our roads today are operating illegally but it does not have the enforcement to be able to control that.

We asked for studies, and I have here the testimony from November 3, 1988, when it was brought up again, that there was a commitment made that we would get a report from the ministry on its commitment to enforcement in northern Ontario. We had made requests for the number of enforcement officers in eastern Ontario as well.

The answer from the minister's staff was that there was a report on the enforcement strategy and staffing levels across the province tabled to the committee several days earlier. A number of reports were received but those reports did not address the serious safety concerns that had been raised. The data that had been requested were not provided and never have been provided to our committee. That was in terms of the number of inspection stations and the number of staff on the job in northern and eastern Ontario.

During the committee hearings, after we had completed the hearing of testimony from the public and we were about to go through the clause-by-clause consideration, on the first day of clause-by-clause the ministry's staff showed up with a number of research books—major binders which included information which the minister wanted to provide only to the government members.

The information had been compiled by ministry people but was provided solely to government people. The ministry clearly attempted to disregard the privileges of this House and provide equal access to information to all members of this Legislature, and attempted to prevent us from getting the kind of information that it was providing at that time.

I have the statements here from the Hansard of Wednesday, October 26, 1988. The member for Lanark-Renfrew (Mr. Wiseman) remarked: "In

all the time I have been around here, which is more than 17 years, I have never seen this sort of thing happen before."

We got an explanation from the minister—page R-1540 which says, "I do not know where your book is." He is referring to the fact that the opposition members did not have these books, "We have been tabling a number of documents and pieces of information along the way. Whether they were put in a three-ring binder I cannot say."

The Liberal member for Essex-Kent (Mr. McGuigan) went on to say: "What we have here is a compilation of the evidence that was given to us during the hearings. There is no secret agenda...."

In fact, the committee hearings were put off for that day until all committee members received that document, and I think I have a copy of it here. We received the document the following day and it turned out that this was much more than just a "compilation" of research notes which we had all received during the committee hearings. One of the major items was entitled "The Summary of Major Viewpoints, Prepared by Legislative Research Service," a document of over 30 pages, which we had received. But what we had in the document was not only the report that we had all received from our own research officer, but countering that, on each page, were ministry comments, which were the minister's response to those various sections of both of these bills, Bills 87 and 88.

This was information that the minister and his ministry were providing solely to government members. They attempted to prevent opposition members from getting access to information that had been compiled at government expense, supposedly for our committee; more than 30 pages of ministry comments, crib notes, one might say, in terms of how Liberal government members should react to various comments we had heard in public testimony on the various clauses of these bills. Really, the treatment of this committee by this minister and his ministry has been unconscionable throughout the process of these hearings.

I would go on to look at the kind of information we were able to receive when we asked direct questions and the refusal of the minister and his staff to give us straight answers to those questions.

One can look at the testimony on Wednesday, November 2, before the standing committee on resources development, regarding the minister's decision to appeal the decision the Supreme



Court of Ontario had made on the Ontario Highway Transport Board, regarding a case that had been fought between the Ontario Trucking Association and the minister. The minister had lost that case. The people in his ministry did not have their case put together properly and they lost their case. We addressed the question in the committee of whether he was going to appeal that decision. In the previous two days' sessions, the minister had contended that the decision was a trivial one which only—

**Mr. Dietsch:** On a point of order, Mr. Speaker: I thought it was customary that comments be addressed to the bill and not the committee proceedings. I detect quite distinctly that the conversation being put forward by the member is on committee proceedings and is not being addressed to the bill at all.

**Mr. Speaker:** I understand the point the member is trying to make. However, this is third reading of the bill and I have to give all members an opportunity to give reasons why they may or may not want to support third reading.

**Mr. Morin-Strom:** Thank you very much, Mr. Speaker.

We had addressed in committee this key decision that had been made by the Ontario Supreme Court with respect to the powers of the Ontario Highway Transport Board. This bill is called An Act to amend the Ontario Highway Transport Board Act, and certainly one of my major reasons for opposing both of these bills is that the result of these bills is going to be the disappearance of the powers of that board and the fact that this board will no longer have the right to hold public interest hearings on licence applications in Ontario, particularly federal licence applications.

This had been addressed in committee for several days. The minister said it was a trivial issue, one we should not worry about and really of no consequence; it was just an administrative matter about whether the transport board signed off the licences or whether the minister was going to. In other words, who really was the authority for licensing in Ontario?

That day the minister came in. He had made the decision. He had not revealed that in the House. He had not revealed that to me in my inquiry of him that day with regard to that decision. He was not going to volunteer it to the committee until I asked him point blank in committee, based on a rumour I heard outside: "I heard earlier today that the minister had decided to appeal the decision. I would like to know if the

minister can confirm that the decision has been made."

I did not know what the response was going to be. The minister said, "Yes, I can confirm that the decision to appeal the decision of the Divisional Court has been made."

That is something we had immediately addressed at the previous two sessions and the minister said was a trivial issue, then he made a decision and was not even going to reveal it to the committee. I think this kind of treatment of the committee really was unfair and it was typical of the kind of treatment we received throughout the process of the hearings on this bill.

**1730**

In terms of the impact of this decision of the Supreme Court on the Ontario Highway Transport Board, in numerous cases we tried to pursue answers from the minister and his staff on what the result was going to be. Time and time again we got an avoidance of answering the questions. In the end we got answers such as this one. This is from Hansard, Wednesday, November 2, page R-7. I said:

"You are the ones who have to apply the Motor Vehicle Transport Act in Ontario. The rules for applying the MVTA are largely determined by what we put into this Bill 88." Mr. Hobbs, one of the the minister's staff said, "No, they have absolutely no relationship."

In fact, though, the day after our committee hearings ended and we finished completing the clause-by-clause, the minister changed his mind and admitted in a release from his own ministry that in fact—this is from his release on November 17—the minister states, "The decision"—this is that Supreme Court decision—"may also have an impact on the public interest test." It may be that the test provision would no longer apply in Ontario if the ruling is overturned.

The minister said one thing during the committee hearings, and as soon as the committee hearings were completed, he did admit that the Supreme Court decision and these bills were going to be a serious threat as to whether we were going to be able to have a public interest test in the future in Ontario.

We have information from lawyers who have spent years in the field, in the transport business. We have information from the major trucking interests expressing serious concerns about the future of public interest hearings because of the expectation that once these two bills are passed, the minister is going to declare that either he or the registrar, in which these bills vest most of the power, is the provincial transport board in



Ontario, effectively taking away all the powers of the Ontario Highway Transport Board. That board will be nonexistent for all intents and purposes in Ontario.

We have a statement here from the Canadian Trucking Association. I will just conclude with this. It states in regard to the minister's contention that now the only way to get out of this problem is to have the federal government go back and change its MVTA to accommodate his problems with his legislation.

We now know, according to the Canadian Trucking Association, as they stated in a letter of November 25, about two weeks ago, "The federal minister and his staff, as we suspected would be the case, are adamant that the MVTA, 1987, is not going to be amended to accommodate provincial legislation. Provincial transport ministers have known what the federal legislation required for a long time and indeed they were parties to and agreed with the approach. To suggest that the federal act be amended to accommodate a glitch in the Ontario approach is either an indication of terrible advice or bad faith."

In any event, Ottawa is not prepared to pick up the minister's marbles. These two bills are the dumping of all his marbles all over the place. They are going to be a disaster for the province. I would ask that this Legislature vote against them.

Because of the problems that these bills face, I would ask at this time for unanimous consent to adjourn the debate on Bill 87 and Bill 88 until we return in January.

**Mr. Pouliot:** Although I take no pleasure in addressing the House on what is the complete overhaul of the transportation system in Ontario—

**Mr. Speaker:** I listened very carefully to your first few words—

**Mr. Pouliot:** I am addressing the bill.

**Mr. Speaker:** The principle has been passed. We just want the reasons you are going to vote against. Okay?

**Mr. Pouliot:** Yes. As I began to say, 25, 30 or, for that matter, 35 minutes certainly does not suffice to even begin to scratch the surface of what is wrong in this ill-fated piece of legislation that the Minister of Transportation, under a state of siege, under direct and negative influence—because the minister and I, along with others, have suffered through what is the better part of three years in his deliberate and systematic attempt to sell out trucking transportation in Ontario.

Time and time again, interveners, presenters, have indicated to the minister the pitfalls and shortcomings associated with doing away with the reverse-onus process whereby public necessity and convenience will no longer be the rationale in the legislation, but anyone who wishes to put a vehicle on the road, providing that person has what the minister refers to as adequate insurance and has passed a safety test, would be able to do so.

I want to inform the minister by way of this information, if he would be kind enough to convey to the members of his senior staff, from the deputy minister onward, the many legitimate grievances and cautions that were directed at the minister. And I am not only talking in terms of the results of the September 10, 1987 election. When the minister first introduced that bill in 1985, a combination of the third party and the Conservatives, who were the official opposition, did not allow that bill to pass. We argued. I trust he was sincere, but I know we were sincere in highlighting for his benefit what lies ahead with this kind of legislation—analogy and parallels regarding the deregulation in the airline industry—the negative effects of trucking deregulation for small and isolated communities.

I am sorry the minister did not listen. He chose not to listen. He could have given consideration to our amendment, but quite often when we proposed those amendments, we came away with the very distinct and vivid impression that the reason for the rejection of our amendment was simply that the deck was stacked, that since we were with the opposition, we had no chance of going into the minister's office with our idea and coming out of his office with our amendment.

I think the minister will be judged harshly, but I want to wish him well. I really want to wish him well. I do not think it is his fault. He is a busy person; there is so much to address under his ministry. But I think somewhere people came with a package that will have to undergo amendment after amendment, not in the distant but the near future, if he is going to make this kind of proposal workable for the benefit of the people of Ontario.

I have indicated that 20 or 25 minutes—for that matter, an hour or an hour and a half—as we examine the effects of this legislation clause by clause would not even begin to highlight, to broadly summarize what is wrong about this bill. This is the last chance. We have tried everything possible under the statutes, within the process mechanism, to delay what is today the inevitable. We do not like what we read. We do not believe



in a filibuster, but it is as close as we can possibly convey to the minister that in this case he has made a mistake. In this case, he has been warned and I would not want to be in his shoes in the years ahead when he tries to push through the kind of legislation that will make this livable.

Having said this, I wish to echo the sentiment of others. Mes meilleurs vœux pour la saison des fêtes. To the minister, too.

1740

**Ms. Bryden:** I support very strongly the comments of the two preceding speakers, the member for Lake Nipigon (Mr. Pouliot) and the member for Sault Ste. Marie (Mr. Morin-Strom). They have put up a terrific battle against this bill, because it is the worst thing that could happen to our trucking industry in Ontario. I think it is a shame that there are not many people here to hear their final comments on this bill but I would like to see the whole question put off, if possible, rather than make a decision that may do us a great deal of harm in the future.

**Mr. Speaker:** The minister may wish to make a few comments to wind up or wind down.

**Hon. Mr. Fulton:** I am tempted to wind up, Mr. Speaker, having listened to the rhetoric from my friend the member for Lake Nipigon and the very charitable comments from my friend the member for Sault Ste. Marie, who seems to be all over the road. But, Mr. Speaker, we are dealing with Bill 87 and most of their comments related to Bill 88. I do not know whether you wish me to reserve mine for that bill or to carry on as you permitted the two gentlemen to.

On the record, I must put the total rejection of the comments made by the member for Sault Ste. Marie with respect to the proceedings of that committee and the hearings, and the manner in which they were provided with information. He is just totally wrong. He was given every opportunity and received every piece of information all of us did. I am not sure of the points he was making. I am not really sure of the interests he was serving but he still does not seem to understand the merits of the bill.

This House has been dealing with this piece of legislation for nearly 12 years: 3,000 days. We have had wide consultation from all the parties interested, from the carriers, the shippers, the towns and villages and the cities. We have held public hearings across this province, including Sault Ste. Marie. We have held three weeks of clause-by-clause hearings most recently and I utterly reject the member for Sault Ste. Marie's statement wherein he accused the ministry of

being dishonest in the manner in which it has proceeded.

The ministry and the ministry staff, like most of the civil service in Ontario, operate on behalf of the people of Ontario in a very impeccable manner, and I want to be on record to reject that member's previous statements.

I wish only to reaffirm the principles of the trucking regulations which are to stimulate the economy of this province, to enhance the competitiveness of small business, a gain in employment and reduced costs to the shippers, carriers and indeed, of course, to the consumers.

In conclusion, I would like to thank the committee, the chairman of the committee, my friend the member for Nickel Belt (Mr. Laughren), for the manner in which he proceeded. I would like to thank my parliamentary assistant, the member for Essex-Kent (Mr. McGuigan) and I would like to thank the member for Oakville South (Mr. Carrothers) for the manner in which they conducted themselves in the committee.

Interjections.

**Mr. Speaker:** If you wish to waste time, I will wait.

**Mr. D. S. Cooke:** Time passes at the same rate whether you are wasting it or not.

**Mr. Speaker:** That is right; a very profound statement.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

#### TRUCK TRANSPORTATION ACT

Hon. Mr. Fulton moved third reading of Bill 88, An Act to regulate Truck Transportation.

**Mr. Speaker:** The member for Sault Ste. Marie (Mr. Morin-Strom) commented on the previous bill that he was referring to Bill 87 and Bill 88. Do you have something further to add?

**Mr. Morin-Strom:** Previously, I referred to the committee hearing process that dealt with both bills together. At this point, I want to deal specifically with Bill 88, which is the more important of the two in terms of overall substance. As I recall, my comments on Bill 87 were restricted primarily to the effects of these two bills on the Ontario Highway Transport Board, which that bill specifically referred to.

This bill, the Truck Transportation Act, is a far-reaching one, really in one respect a power grab by the minister to take power away from the



Ontario Highway Transport Board to hold public hearings so that public interests would have the opportunity to be heard.

In this bill, the minister is deregulating the trucking industry in Ontario to an extent far beyond what had been agreed to between the provincial ministers and the federal government when the federal government moved with its federal deregulation.

Bill 88 will result not only in the deregulation of trucking within Ontario, but will also add considerable additional deregulation of our ability to regulate trucking from points inside Ontario to outside, particularly between Ontario and the United States. The tying of the hands of the transport board will result in easy and free access of large American trucking interests into the Canadian marketplace.

It is certainly contradictory to see us going for wide-open free trade in the trucking industry here in Ontario when we have a Premier (Mr. Peterson) who claims he has been opposed to the Mulroney free trade agreement. In Bill 88, the Premier and the minister are opening up the over \$3-billion Ontario trucking industry to a massive American invasion. While the Mulroney-Reagan trade deal does not apply to trucking services, the Liberals' Bill 88, An Act to regulate Truck Transportation, sets out to deregulate the Ontario trucking industry and create a wide-open market here in Ontario.

The bill's key proposal is to replace the present entry test into the Ontario trucking business, from an examination of the need for additional service to an examination of the fitness of the applicant. This change will allow huge American trucking firms to get operating licences in Ontario. In a cut-throat market, all but the largest of the Canadian companies will be squeezed out. Surely, this is a case where the Premier should be asserting provincial jurisdiction instead of handing over a key sector of our economy to the Americans.

New Democrats oppose this trucking deregulation because it will mean higher rates and less service as well as American domination of Ontario's trucking industry.

Of great concern to all motorists, deregulation will result in less truck highway safety. The 900-member Ontario Trucking Association pointed out in one of its reports to this Legislature, in particular the committee that dealt with this bill: "There is a direct relationship between economic regulation and highway safety. Faced with increased competitive pressures and declining profitability, some carriers will be

forced to give less than adequate consideration to those factors which ensure public safety."

While Bill 88 opens up the Ontario trucking market to the Americans, Ontario truckers will not have the same access to the United States. Forty-three states, including the huge markets of California and all the northeastern states bordering Ontario, will maintain systems of regulatory control over trucking within their borders that will make it extremely difficult to obtain operating licences for Ontario trucking firms.

The Ontario Trucking Association, which has in the past agreed with our opposition to deregulation, had proposed a reciprocity clause to Bill 88 that would have given licences only to American trucking firms from states that give reciprocal access to Ontario companies. We have legal opinion that clause would be constitutional, but the minister refused to act upon it, refused to protect the interests of the Ontario trucking industry and the interests of workers in Ontario.

#### 1750

The impact of the free trade agreement was negligible in terms of direct impact on transportation services. But with respect to trucking, one of the major failures in that agreement was that it failed to secure improved access to United States trucking markets, and this bill does nothing, and this minister is unwilling to take action, to improve the access of our industry to the American market. As I said, 43 US states maintain regulatory control over access to operating rights within those states.

Bill 88 will create a situation of unequal access. Ontario trucking companies will now face a situation of unequal market access between the two countries. The OTA has told the minister its members are not afraid of the concept of deregulation, nor are they afraid of competition, but to invite US motor carriers into our market, as Bill 88 would, without having equal opportunities in their market, is simply unfair.

We see, throughout the testimony before the committee, major concerns with regard to the impact of this bill on shipping interests throughout Ontario. I will briefly point out some of the concerns that were expressed in submissions such as the major ones that were given to us by Manitoulin Transport, the largest trucking firm headquartered in northern Ontario. It says, "Manitoulin Transport is not in favour of Bill 88 as we think it spells higher rates and poor service to the majority of shippers and receivers in northern Ontario."

It went on, in a major presentation, to show the numbers of jobs that will be lost, the probability



that it will have to be sold off to a southern Ontario firm and move its base of operations to southern Ontario, taking jobs out of northern Ontario. As well, it expressed serious concern about the inability of trucking firms to provide the level of service we need across northern Ontario under this bill.

We had testimony from Denis Gratton Transport in Chelmsford, which said: "How can a government be so against the Canada-US free trade agreement, but yet be ready to free trade our complete trucking industry to the USA markets? What about our small towns and rural regions of the province. Mr. Fulton says deregulation will benefit small towns and rural regions of the north, but yet the USA example shows that small towns and rural communities can expect to pay higher prices for poorer service under deregulation. The next point of Bill 88 is the push for safety on our highways. Again, the USA experience provides a shocking example of deterioration of highway safety following deregulation."

We have testimony from Hyndman Transport, a firm centred in a small community, Wroxeter, in southern Ontario. It says: "If complete deregulation were to be enacted, massive unemployment would be one of the results. Everyone from owners to office staff to the support maintenance staff would be affected."

We have information in a report from the Royal Bank of Canada, which says: "Cross-border trucking competition is expected to intensify, requiring business repositioning by Canadian cross-border trucking companies. Deregulation is also expected to put a lid on wage increases in the industry and foster the use of owner operators."

We have further safety concerns being expressed from L. Joseph Thibodeau. We have concerns in terms of job losses by local firms from Sault St. Marie, Soo Van and Storage.

We have testimony from a major carrier, Claude Robert, president of Transport Robert, which has in excess of 1,100 employees in Quebec and Ontario, who states: "I cannot foresee a time when Canadian carriers can effectively compete with large US carriers, nor in truckload movements, even with smaller US operators. The reasons for this relate to geography, density of population and industry and financial capability." This is one of Canada's larger carriers and he does not think he is big enough to compete with the big American ones.

He also makes the point on safety, "Deregulation will have a profound adverse effect on safety on the highways."

There is a last point from the testimony in the committee, an answer we got from one of the staff of the Ministry of Transportation. The question to them was on November 3, R-36, "Is the summary that you are allowing a lot of truckers who are currently illegal in the province to suddenly become legal?" The answer, "Those who pass a fitness and public interest test, yes."

This bill not only opens up our industry to American truckers, but also legalizes a lot of illegal trucking operations in Ontario. This bill is a disaster. It should be opposed by the people of this province and I ask that this Legislature reject it.

**Mr. Speaker:** Are there any comments or questions?

**Ms. Bryden:** I have seldom heard such a tremendous speech against deregulation.

**Mr. Speaker:** We are all in the Christmas spirit. Do any other members wish to participate in the debate?

Motion agreed to.

#### ARIANN DEVELOPMENTS INC. ACT

Mr. J. B. Nixon moved second reading of Bill Pr66, An Act to revive Ariann Developments Inc.

**Mrs. Grier:** I just want to speak very briefly about Bill Pr66, which has been in Orders and Notices a couple of times and then withdrawn and was much discussed before the standing committee on regulations and private bills. It was withdrawn and held because of the concerns expressed by a number of tenants of Ariann Developments who had requested that before this company was reinstated, there be some acknowledgement of their rights and of the lack of management of their buildings, and that they be given the opportunity to negotiate with Ariann Developments.

I just want to say that I appreciate very much the accommodation that was provided by the government House leader in allowing this to happen and that I am very pleased minutes of settlement have been arrived at with the tenants of Ariann Developments and the owners. I am very happy to support Bill Pr66.

Motion agreed to.

Third reading also agreed to on motion.

#### GEORGE A. McNAMARA MEMORIAL FOUNDATION

Mr. Offer moved second reading of Bill Pr73, An Act to revive George A. McNamara Memorial Foundation.

Motion agreed to.

Third reading also agreed to on motion.

**1800**

#### CITY OF SAULT STE. MARIE ACT

Mr. Morin-Strom moved second reading of Bill Pr75, An Act respecting the City of Sault Ste. Marie.

Motion agreed to.

Third reading also agreed to on motion.

**Hon. Mr. Conway:** Mr. Speaker, thanking all honourable members for their industry and enterprise, I can tell you that his Honour, the Lieutenant Governor awaits.

#### ROYAL ASSENT

#### SANCTION ROYALE

**Hon. Mr. Alexander:** Pray be seated.

**Mr. Speaker:** May it please Your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

**Clerk Assistant:** The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 9, An Act permitting Trustees and other Persons to dispose of South African investments;

Projet de loi 9, Loi permettant aux fiduciaires et à d'autres personnes d'aliéner les placements sud-africains;

Bill 66, An Act respecting Agricultural and Horticultural Organizations;

Bill 78, An Act respecting the Sale of Farm Implements;

Bill 83, An Act respecting the Protection of Farm Practices;

Bill 87, An Act to amend the Ontario Highway Transport Board Act;

Bill 88, An Act to regulate Truck Transportation;

Bill 120, An Act to amend the Tobacco Tax Act;

Bill 121, An Act to amend the Gasoline Tax Act;

Bill 139, An Act to amend the Grain Elevator Storage Act, 1983;

Bill 140, An Act to revise the Farm Products Containers Act;

Bill 150, An Act to amend the Courts of Justice Act, 1984;

Bill 160, An Act to amend the Municipality of Metropolitan Toronto Act;

Bill 174, An Act for the establishment and conduct of a Project to provide Funding to Intervenors in proceedings before a joint board under the Consolidated Hearings Act, 1981 and before the Ontario Energy Board and the Environmental Assessment Board and to provide for certain matters in relation to costs before those boards;

Projet de loi 174, Loi concernant la mise sur pied et la direction d'un projet visant à fournir une aide financière aux intervenants dans des affaires instruites devant une commission mixte créée en vertu de la Loi de 1981 sur la jonction des audiences, devant la Commission de l'énergie de l'Ontario et devant la Commission des évaluations environnementales et visant certaines questions relatives aux dépenses adjugées par ces commissions;

Bill 181, An Act to amend the Legislative Assembly Act;

Bill 193, An Act to amend the Income Tax Act;

Bill 196, An Act to amend the Psychologists Registration Act;

Bill Pr6, An Act respecting the city of Ottawa;

Bill Pr9, An Act respecting the Charlotte Eleanor Englehart Hospital;

Bill Pr18, An Act respecting the Sarnia Kiwanis Foundation Inc.;

Bill Pr32, An Act to revive LaPlante Lithographing Company Limited;

Bill Pr42, An Act to revive Rockton Winter Club Inc.;

Bill Pr53, An Act respecting the Peterborough Historical Society;

Bill Pr55, An Act to revive 288093 Ontario Limited;

Bill Pr63, An Act to revive Tavone Enterprises Limited;

Bill Pr65, An Act respecting the Kitchener and Waterloo Community Foundation;

Bill Pr66, An Act to revive Ariann Developments Inc.;

Bill Pr73, An Act to revive George A. McNamara Memorial Foundation;

Bill Pr75, An Act respecting the City of Sault Ste. Marie.

**Clerk of the House:** In Her Majesty's name, His Honour the Lieutenant Governor doth assent to these bills.



Au nom de Sa Majesté, Son Honneur le lieutenant-gouverneur sanctionne ces projets de loi.

His Honour the Lieutenant Governor was pleased to retire from the chamber.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** Pursuant to standing order 13, I would like to indicate the business of the House for the week of January 3, 1989.

On Tuesday, January 3, we will continue with the estimates of the Management Board of Cabinet and we will then deal with the adjourned debate on the report of accidents and fatalities in Ontario mines.

On Wednesday, January 4, we will deal with the second reading of Bill 124, the Children's Law Reform Amendment Act.

On Thursday, January 5, in the morning, we will deal with the private members' public business standing in the names of Mr. McGuinty and Mr. McGuigan. In the afternoon, we will continue with the adjourned debate on Bill 124, the Children's Law Reform Amendment Act.

On behalf of the government I take this occasion to reiterate the messages earlier put by the member for York South (Mr. B. Rae), the Attorney General (Mr. Scott) and the leader of the third party, the member for Sarnia (Mr. Brandt): Merry Christmas to all, and to all a very good afternoon.

**Mr. Speaker:** It now being so close to six of the clock, this House stands adjourned until 1:30 of the clock, January 3, 1989.

The House adjourned at 6:09 p.m.

#### ERRATUM

No.	Page	Column	Line	Should read:
119	6706	2	5	Sessional paper P-33, re Church of Scientology.

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

## OFFICE FURNITURE

**71. Mr. McLean:** Would the Minister of Government Services provide the cost for the new furniture and televisions for the offices of all ministers and their staff, as well as all members of the Legislature since June 1985? [Tabled December 15, 1987]

**Hon. Mr. Patten:** The costs of new furniture and televisions for the offices of all ministers and their staff, as well as all parliamentary assistants and their staff for the period from June 26, 1985, to December 15, 1987, is \$469,395.07. Ministers and parliamentary assistants are the only members of the Legislative Assembly who have offices for which the government provides furniture or televisions.

Ministers and parliamentary assistants are the only members of the Legislative Assembly for whom the government provides furniture and/or televisions. Information is not provided on furniture acquisition for Progressive Conservative or New Democratic Party members or Liberal members who are not ministers or parliamentary assistants, as this falls under the jurisdiction of the Legislative Assembly.

The majority of expenditures were incurred when ministers or parliamentary assistants set up new offices, a number of which were created by realignment of ministries or assistantships. The creation of new ministers' offices or parliamentary assistants' offices, for example, the Office for Disabled Persons, Ministry of Colleges and Universities, Ministry of Financial Institutions and the Ministry of Skills Development and/or

parliamentary assistants' offices accounts for \$252,699 or 53.8 per cent of the total expenditure of \$469,395.07.

All costs cover the period from June 26, 1985, to December 15, 1987, during which 33 ministers were appointed to over 50 portfolios and 48 parliamentary assistants were appointed.

Standing agreements, established through tenders, were used for the majority of purchases. The cost of individual items of furniture and/or televisions is usually not of sufficient value to justify the cost of tendering, rather than purchasing through standing agreements or other competitive processes. All purchases were done in accordance with Management Board approved policies.

**72. Mr. McLean:** Would the Minister of Government Services provide the names and the costs of the two lowest tenders for supplying furniture and televisions for the offices of all ministers and their staff as well as all members of the Legislature since June 1985 and provide the name of the one that received the contract? [Tabled December 15, 1987]

**Hon. Mr. Patten:** The government has attempted to gather the information requested. However, there are no special arrangements for the purchasing of furniture and/or televisions for ministers' offices and/or parliamentary assistants' offices. Such items are purchased through the same processes as the furniture for other ministry offices. As a result, the specific information cannot be obtained.



**ALPHABETICAL LIST OF MEMBERS\***  
(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

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| <p>Adams, Peter (Peterborough L)<br/>           Allen, Richard (Hamilton West NDP)<br/>           Ballinger, William G. (Durham-York L)<br/>           Beer, Charles (York North L)<br/>           Black, Kenneth H. (Muskoka-Georgian Bay L)<br/>           Bossy, Maurice L. (Chatham-Kent L)<br/> <b>Bradley, Hon. James J.</b>, Minister of the Environment (St. Catharines L)<br/>           Brandt, Andrew S. (Sarnia PC)<br/>           Breaugh, Michael J. (Oshawa NDP)<br/>           Brown, Michael A. (Algoma-Manitoulin L)<br/>           Bryden, Marion (Beaches-Woodbine NDP)<br/>           Callahan, Robert V. (Brampton South L)<br/>           Campbell, Sterling (Sudbury L)<br/> <b>Caplan, Hon. Elinor</b>, Minister of Health (Orillia L)<br/>           Carrothers, Douglas A. (Oakville South L)<br/>           Charlton, Brian A. (Hamilton Mountain NDP)<br/>           Chiarelli, Robert (Ottawa West L)<br/>           Cleary, John C. (Cornwall L)<br/>           Collins, Shirley (Wentworth East L)<br/> <b>Conway, Hon. Sean G.</b>, Minister of Mines (Renfrew North L)<br/>           Cooke, David R. (Kitchener L)<br/>           Cooke, David S. (Windsor-Riverside NDP)<br/>           Cordiano, Joseph (Lawrence L)<br/>           Cousens, W. Donald (Markham PC)<br/>           Cunningham, Dianne E. (London North PC)<br/>           Cureatz, Sam L. (Durham East PC)<br/> <b>Curling, Hon. Alvin</b>, Minister of Skills Development (Scarborough North L)<br/>           Daigeler, Hans (Nepean L)<br/>           Dietsch, Michael M. (St. Catharines-Brock L)<br/> <b>Eakins, Hon. John F.</b>, Minister of Municipal Affairs (Victoria-Haliburton L)<br/> <b>Edighoffer, Hon. Hugh A.</b>, Speaker (Perth L)<br/>           Elliot, R. Walter (Halton North L)<br/> <b>Elston, Hon. Murray J.</b>, Chairman of the Management Board of Cabinet (Bruce L)<br/>           Epp, Herbert A. (Waterloo North L)<br/>           Eves, Ernie L. (Parry Sound PC)<br/>           Farnan, Michael (Cambridge NDP)<br/>           Faubert, Frank (Scarborough-Ellesmere L)<br/>           Fawcett, Joan M. (Northumberland L)<br/>           Ferraro, Rick E. (Guelph L)<br/>           Fleet, David (High Park-Swansea L)</p> | <p><b>Fontaine, Hon. René</b>, Minister of Northern Development (Cochrane North L)<br/> <b>Fulton, Hon. Ed</b>, Minister of Transportation (Scarborough East L)<br/>           Furlong, Allan W. (Durham Centre L)<br/> <b>Grandmaitre, Hon. Bernard C.</b>, Minister of Revenue (Ottawa East L)<br/>           Grier, Ruth A. (Etobicoke-Lakeshore NDP)<br/>           Haggerty, Ray (Niagara South L)<br/>           Hampton, Howard (Rainy River NDP)<br/>           Harris, Michael D. (Nipissing PC)<br/>           Hart, Christine E. (York East L)<br/>           Henderson, D. James (Etobicoke-Humber L)<br/> <b>Hošek, Hon. Chaviva</b>, Minister of Housing (Oakwood L)<br/>           Jackson, Cameron (Burlington South PC)<br/>           Johnson, Jack (Wellington PC)<br/>           Johnston, Richard F. (Scarborough West NDP)<br/>           Kanter, Ron (St. Andrew-St. Patrick L)<br/> <b>Kerrio, Hon. Vincent G.</b>, Minister of Natural Resources (Niagara Falls L)<br/>           Keyes, Kenneth A. (Kingston and The Islands L)<br/>           Kormos, Peter (Welland-Thorold NDP)<br/>           Kozyra, Taras B. (Port Arthur L)<br/> <b>Kwinter, Hon. Monte</b>, Minister of Industry, Trade and Technology (Wilson Heights L)<br/>           Laughren, Floyd (Nickel Belt NDP)<br/>           LeBourdais, Linda (Etobicoke West L)<br/>           Leone, Laureano (Downsview L)<br/>           Lipsett, Ron (Grey L)<br/>           Lupusella, Tony (Dovercourt L)<br/>           MacDonald, Keith (Prince Edward-Lennox L)<br/>           Mackenzie, Bob (Hamilton East NDP)<br/>           Mahoney, Steven W. (Mississauga West L)<br/> <b>Mancini, Hon. Remo</b>, Minister without Portfolio (Essex South L)<br/>           Marland, Margaret (Mississauga South PC)<br/>           Martel, Shelley (Sudbury East NDP)<br/>           Matrondola, Gino (Willowdale L)<br/>           McCague, George R. (Simcoe West PC)<br/>           McClelland, Carman (Brampton North L)<br/>           McGuigan, James F. (Essex-Kent L)<br/>           McGuinty, Dalton J. (Ottawa South L)<br/>           McLean, Allan K. (Simcoe East PC)<br/> <b>McLeod, Hon. Lyn</b>, Minister of Colleges and Universities (Fort William L)<br/>           Miclash, Frank (Kenora L)</p> |
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 Neumann, David E. (Brantford L)  
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 Ruprecht, Tony (Parkdale L)  
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**Smith, Hon. E. Joan**, Solicitor General  
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 Sola, John (Mississauga East L)

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 Villeneuve, Noble (Stormont, Dundas and Glen-  
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 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
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 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
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**Wrye, Hon. William**, Minister of Consumer and  
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 Trade and Technology



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 Wilson, Hon. Mavis, Minister without Portfolio

#### PARLIAMENTARY ASSISTANTS

Ballinger, William G.: assistant to the Minister of Natural Resources (Durham-York L)  
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 Brown, Michael A.: assistant to the Minister of Mines (Algoma-Manitoulin L)  
 Cordiano, Joseph: assistant to the Minister of Tourism and Recreation (Lawrence L)  
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McGuigan, James F.: assistant to the Minister of Transportation (Essex-Kent L)  
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 Offer, Steven: assistant to the Attorney General (Mississauga North L)  
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 Smith, David W.: assistant to the Minister of Correctional Services (Lambton L)  
 South, Larry: assistant to the Minister of Energy (Frontenac-Addington L)  
 Sullivan, Barbara (Mrs.): assistant to the Minister of Labour (Halton Centre L)  
 Velshi, Murad: assistant to the Minister of Citizenship (Don Mills L)

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Administration of justice: chairman, Mr. Callahan; vice-chairman, Mr. Chiarelli; members, Messrs. Farnan, Hampton, Kanter, Mahoney, McGuinty, Offer, Polsinelli, Runciman and Sterling; clerk, Deborah Deller.

Finance and economic affairs: chairman, Mr. D. R. Cooke; vice-chairman, Mr. Pelissero; members, Messrs. Cleary, Ferraro, Haggerty, Ms. Hart, Messrs. Kozyra, Mackenzie, McCague, Morin-Strom, and Pope; clerk, Todd Decker.

General government: chairman, Mr. Elliot; vice-chairman, Mr. Faubert; members, Ms. Bryden, Messrs. Callahan, Charlton, Cordiano, Cureatz, Fleet, McLean, Ruprecht and Sola; clerk, Franco Carrozza.

Government agencies: chairman, Mr. McLean; members, Messrs. Ballinger, Breaugh, Mrs. Marland, Miss Martel, Messrs. Miller, J. B. Nixon, Miss Roberts, Messrs. Runciman, South and Velshi; clerk, Deborah Deller.

Legislative Assembly: chairman, Mr. Epp; vice-chairman, Mr. Campbell; members, Messrs. Breaugh, Hampton, J. M. Johnson, Matrondola, McClelland, Morin, Sterling, Mrs. Stoner and Mrs. Sullivan; clerk, Smirle Forsyth.

Ombudsman: chairman, Miss Nicholas; vice-chairman, Mr. Bossy; members, Messrs. Car-

rothers, Charlton, Cousens, Henderson, Mrs. LeBourdais, Messrs. Lupusella, MacDonald, Philip and Pollock; clerk, Franco Carrozza.

Public accounts: chairman, Mr. Philip; vice-chairman, Mr. Pouliot; members, Messrs. Adams, Ballinger, Ms. Collins, Mr. Cousens, Mrs. Fawcett, Miss Martel, Miss Nicholas, Messrs. J. B. Nixon and Villeneuve; clerk, Douglas Arnott.

Regulations and private bills: chairman, Mr. Furlong; vice-chairman, Mr. Lipsett; members, Messrs. Keyes, Kormos, Leone, McCague, Miclash, Pollock, Reville, Smith, and Sola; clerk, Tannis Manikel.

Resources development: chairman, Mr. Laughren; vice-chairman, Mr. Wildman; members, Messrs. Black, Brown, Dietsch, Mrs. Grier, Mrs. Marland, Mr. McGuigan, Mrs. Stoner, Messrs. Tatham and Wiseman; clerk, Lynn Mellor.

Social development: chairman, Neumann; vice-chairman, Mrs. O'Neill; members, Messrs.

Allen, Beer, Carrothers, Mrs. Cunningham, Messrs. Daigeler, Jackson, R. F. Johnston, Owen and Ms. Poole; clerk, Todd Decker.

### SELECT COMMITTEES

Education: chairman, Ms. Poole; vice-chairman, Mr. Reycraft; members, Messrs. D. S. Cooke, Furlong, Jackson, R. F. Johnston, Keyes, Mahoney, Miclash, Mrs. O'Neill and Mr. Villeneuve; clerk, Lynn Mellor.

Energy: chairman, Mr. Carrothers; vice-chairman, Mr. McGuigan; members, Messrs. Brown, Charlton, Cureatz, Mrs. Grier, Messrs. Matrundola, M. C. Ray, Runciman, South and Mrs. Sullivan; clerk, Tannis Manikel.

\*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**First Session, 34th Parliament**  
Tuesday, January 3, 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, January 3, 1989

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### SHELTER FOR THE HOMELESS

**Mr. Breagh:** I am not really a believer in new year's resolutions, but I think that it is a good time of the year to assess what we are doing right and what we are doing wrong. Most of the members in this chamber and most of those who are paying any attention to us are probably well-housed and affluent people, but most of us would agree that in this community of Metropolitan Toronto there are more than 30,000 people who are homeless. In this kind of society that is surely an inappropriate and sad fact.

Let's pay a little bit of tribute today to some groups that are attempting to do what really needs to be done. Just before we adjourned for our Christmas break, the Catholic church was here, and in a ceremony in the media studio and again here in the Legislature it was commended for the work it is doing to try to provide affordable housing.

There are literally thousands of other people in the community of Ontario who are trying to do their bit as well. I am reminded, by a constant stream of correspondence across my desk, of church groups and other community-based groups that are trying to put together proposals to house the homeless. Surely, if we all put our minds to it, we can resolve this one major problem.

I would like to remind members that towards the latter part of this month, on January 28, there will be a rally for the right to housing organized by the Toronto March against Poverty. This is the kind of proposal which is often done and, sadly, does not get much support from time to time. Surely we can start off this year by supporting this rally and all of us can turn our efforts towards housing the homeless.

### HEALTH SERVICES

**Mr. Eves:** Mr. Speaker, at the outset, let me offer to you, the legislative staff and all members of the assembly, our best wishes for 1989.

I want to take a brief moment during this first sitting of the new year to inform all members that

January 1 was the 30th anniversary of the first Ontario hospital insurance plan, the precursor of today's Ontario health insurance plan system. Premier Frost and the Ontario government completed negotiations with Ottawa for this new health insurance program in 1957, and it came into effect on January 1, 1959.

In the subsequent 30 years, Ontario led the way in improved and enhanced health care delivery. The sound management practices and progressive attitudes of subsequent Ontario governments led to the creation of the finest health care system in the world. Government representatives from around the globe used to come to Ontario to see how we did it. However, that strong foundation has shown signs of being seriously eroded in recent years.

We on this side of the House are very concerned about the current state of our health care system, which once was the envy of the world. One of the most shocking statistics which has developed since this government came to power is the fact that there is now a greater risk of death for a patient on a waiting list for open-heart surgery than there is in actually being operated on on the operating table. We on this side of the House have been calling for a number of improvements not only to the health care delivery system, but to the administration of the OHIP system.

**Mr. Speaker:** The member's time has now expired.

**Mr. Eves:** On May 19 of the year just past, the member for Simcoe West (Mr. McCague) received unanimous consent—

**Mr. Speaker:** Thank you.

### JOSEPH DELBERT ADAMS

**Mr. Fleet:** The case of Joseph Delbert Adams, a constituent of mine, is one of injustice which should not be allowed to continue. A recent report of the Ombudsman, the second in this matter, contains some startling revelations.

In 1983, while on a short-term contract as a sheriff's officer, Mr. Adams complained to his superiors about their conducting and condoning pervasive illegal activities in the sheriff's office; two days later, those superiors effectively fired



Mr. Adams. He has not found steady employment since then.

The Ombudsman found that Mr. Adams was a strongly dedicated and committed sheriff's officer. His allegations of corruption were essentially correct and resulted in a lengthy police investigation. The Ombudsman also found that Mr. Adams's method of complaining amounted to insubordination and the superiors were legally justified in firing Mr. Adams. In contrast, following an arbitration, Mr. Adams's superior was only demoted. Surprisingly, the Ombudsman concluded that the treatment of Mr. Adams was not unreasonable, unjust or wrong.

I say the result in this case is unjust and morally wrong. The Ontario government's obligation to fair treatment goes beyond legal technicalities. I urge the Attorney General (Mr. Scott) to offer Mr. Adams fresh employment with the government, so that justice is both actually done and seen to be done.

#### HOSPITAL FUNDING

**Mr. Reville:** Jim Geissinger has had a tough life. Because he has muscular dystrophy, Jim has spent nine of his 20 years in Bloorview Children's Hospital. Jim's life recently got tougher. In March, he had an emergency tracheotomy; 10 months later, Jim is still at Sunnybrook Medical Centre.

Jim's mother, Helen Geissinger, has made all the rounds. She has become convinced that her son is a pawn in a funding game being played out between Bloorview and the Ministry of Health:

Bloorview: "We want an eight-bed tracheotomy unit."

Ministry: "No."

Bloorview: "We will take a three-bed tracheotomy unit."

Ministry: "It's a deal."

Bloorview: "We will take Jim Geissinger back, but we will not say when."

How long does it take to play this game? Who is keeping score? The taxpayers are losing: nine months at Sunnybrook is far more expensive than nine months at Bloorview. The big loser, of course, is Jim Geissinger. Quality care as close to home as possible is the promise. Chalk up another broken promise.

#### KEN McCANN

**Mr. McLean:** My statement concerns an electrical contractor in Orillia whose efforts led to the construction of a house of love for a family that was torn apart by a tragic fire early last year. Orillia's 1988 Citizen of the Year, the affable,

tireless 44-year-old Ken McCann, received the idea of building a new home on the site of a Cumberland Beach residence, the Philion family home which was destroyed by fire last March.

That fire resulted in 15-year-old Joe Philion receiving third- and fourth-degree burns to 95 per cent of his body. Joe went through months of agonizing treatment and skin grafts at Boston's Shriners Burns Institute before returning to Toronto where he is currently recovering at the Hospital for Sick Children. People throughout this province built up a \$135,000 trust fund for the future care and treatment of Joe, but the Philion family was still homeless.

Ken McCann received the idea of building the Philions a new home with volunteer help and materials donated by area contractors. The idea captured the hearts and imaginations of area residents. The work of more than 300 volunteers and tradesmen will result in the new home being completed in an amazing six weeks.

For his effort and creativity, Ken McCann has been named Orillia's 1988 Citizen of the Year. Mr. McCann is certainly deserving of this honour, but we must not forget the many others like the Philions who could use our help and assistance in the Orillia area, and throughout the rest of Ontario for that matter.

#### 1340

#### HIGHWAY CONSTRUCTION

**Mr. Sola:** I would like to begin the new year on the same note that the member for Mississauga North (Mr. Offer) finished the old year on: the urgent need for the extension of Highway 407 westward from Highway 427 to Highway 10. Since this is of extreme importance to the region of Peel and since I could not get on the speakers' list to give my support to the motion, I am taking this opportunity to voice my support for the extension of Highway 407 west into Peel region.

The reasons were discussed at length by my colleagues in the debate on the motion, so I just want to reiterate the main points. First, population growth in Peel will be greater than that of Metro Toronto and York combined for the period 1985-2011. Second, the employment growth in Peel will be greater than that of Metro and York regions combined for the same period. Third, the increase in the employed labour force in Peel will be almost double that of the other two regions mentioned. Fourth, Highway 407 will be one of the methods used to alleviate some of the traffic congestion caused by Pearson International Airport.



For all of these reasons, I urge the minister to take up the motto which helped to build Canada: "Go west, young man, go west."

#### ONTARIO HOME RENEWAL PROGRAM FOR DISABLED PERSONS

**Mr. McLean:** My statement is directed at the Minister of Housing. The Ministry of Housing's Ontario home renewal program for disabled persons spent \$7.5 million to provide interest-free loans up to \$15,000 for disabled persons. A total of 751 disabled people were given that interest-free loan before the fund dried up. There are still more than 700 people on a waiting list for a program that covers such renovations as wheelchair ramps, bathroom alterations or the installation of individual alarm systems for the blind.

For some handicapped people on limited incomes, this program is the only means of paying for major renovations required to minimize their dependence and maximize their mobility. The loans do not have to be paid back by applicants whose annual income is less than \$45,000, as long as the applicant continues to live in the renovated home. I believe the government has the obligation and responsibility to provide these interest-free loans so that suitable accommodation will be available for our disabled citizens, and I urge it to find the funding to solve this problem.

#### ORAL QUESTIONS

##### POLICE SHOOTING

**Mr. B. Rae:** I have a question for the Premier today, in the absence of the Solicitor General (Mrs. Smith). I would like to ask the Premier if he could answer this question.

On Wednesday, December 28, 1988, the member for Kingston and The Islands (Mr. Keyes), who was the Solicitor General and a member of the Premier's cabinet earlier, said: "We knew there were a number of police forces using the hollow point.... We had made a study and reached that conclusion." The article in the *Toronto Star* goes on to say: "Keyes said he ordered ministry staff in early 1987 to review the types of ammunition used by Ontario police forces. It showed that 'a number of forces' were using hollow points, but Keyes could not give an exact number."

I wonder if the Premier could tell us how it is possible that a member of his government would have seen a report indicating that illegal bullets were being used on a widespread basis across the province and whether the Premier could commit

his government today to tabling what is described by his former colleague the Solicitor General as "a study." Can he tell us how the law could have been broken and if he will table the study?

**Hon. Mr. Peterson:** I appreciate the honourable member's question. Let me say that I cannot account for some of the statements that were made there, but I do know that we take this matter very seriously.

As I understand it, the Solicitor General has issued a directive confirming what is in the Police Act at the present time with respect to, shall we say, that type of ammunition. She has also ordered a study on whether in fact there are any violations of those rules in the Police Act at the present time. That will be gathered up in a week or two.

That is the approach of the minister at the present time. When that is done, obviously there will be more public discussion about that.

**Mr. B. Rae:** The Premier will know that the question of what kinds of bullets are permissible and what kinds of firearms are permissible is set out in very clear and very specific terms in the regulations under the Police Act. Those regulations are crystal-clear in terms of what kinds of bullets can be used and what kinds of firearms can be used.

The Premier is saying that there is now going to be another study. That was not my question. My question was, what about the earlier study in which the previous Solicitor General said he had personal knowledge of the fact that the law was being broken by police forces across the province? That is his statement, not mine. Is the Premier denying that there is such a study?

**Hon. Mr. Peterson:** I say to my honourable friend that I am not aware of any study. The Solicitor General may well be, and the member can certainly raise that with her, but I am not aware of any study in that regard.

Obviously, the member is quite right: There are regulations that are in place and they are there to be followed, not to be deviated from. The Solicitor General, as I understand it, has confirmed that directive in very clear and stark and unequivocal terms. If those regulations are not being followed, obviously we have to get to the root of that.

**Mr. B. Rae:** I wonder if the Premier can explain how it is possible that he, as first minister in this cabinet, has a statement from a former Solicitor General, made on Wednesday of last week—the Premier knew perfectly well not only that he would be asked questions by many members of the press, but also that the House



would be coming into session this week. Can he explain, on a matter as fundamental as this, what the government knew, when it knew it, how it knew it and what bullets were being used?

On a matter as fundamental as this, why is the Premier not prepared in terms of answering questions in this House that will tell us clearly and categorically what the government knew, when it knew it, what bullets were being used and are being used? Why is he really so negligent in coming before the House and not having any answers to what surely must be seen as very basic questions about the administration of justice in this province?

**Hon. Mr. Peterson:** With great respect to my friend, I think the government's position is extremely clear on this. As the member stood up and said—

**Mr. B. Rae:** No, it isn't.

**Hon. Mr. Peterson:** As I said, I am not aware of any study.

**Mr. B. Rae:** You have got somebody saying there was a study. Was there a study done or not? Did you ask Ken Keyes? Did you call him up on the phone?

**Mr. Speaker:** Order.

**Hon. Mr. Peterson:** The Solicitor General has put forward, in very clear and direct terms, what the regulations are under the Police Act. If there are some people not following them, I am not aware of any of that. The member asked me that question.

**Mr. B. Rae:** Ken Keyes said he was.

**Hon. Mr. Peterson:** Well then, the member is welcome to ask him the question and welcome to ask the Solicitor General the question. If there are any deviations from that, then very clearly the Solicitor General wants to get to the root of it.

**Mr. B. Rae:** If the Premier was interested in getting to the root of it, he would have asked Ken Keyes that question last week.

**Mr. Speaker:** Order. Question, and to which minister?

#### HOSPITAL SERVICES

**Mr. B. Rae:** In the absence of the Minister of Health (Mrs. Caplan), I have another question to the Premier. We have all heard the news this morning that a citizen of this province was scheduled for open-heart surgery and that the surgery was delayed 11 times before he was finally operated on, and when he was operated on, he died on the operating table.

Doctors are telling us now that there is a greater risk to being on the waiting list than there is to being on the operating table. I would like to ask the Premier what specific steps he is taking now, as leader of this government, to see that this critical problem is finally resolved.

**Hon. Mr. Peterson:** As my honourable friend will know, some months ago the ministry put into effect certain plans, at the expenditure of \$21 million, to increase the number of cardiac units and opportunities for operations in this regard.

**Mr. D. S. Cooke:** It hasn't worked; not enough nurses.

**Hon. Mr. Peterson:** The member may argue that it is not enough, but it is a very substantial increase from what was there, and I think we are seeing the results of that across the province.

If my honourable friend is saying that there still is demand, yes, indeed there is; and with respect to this particular incident that I read about this morning, I am told that the ministry is looking into all details on that and the minister will share her information with my friend in the House as quickly as possible.

1350

**Mr. B. Rae:** This particular case of Mr. Coleman was raised in this House and there have been literally dozens of other cases that we have raised, cases of heart patients and of other patients who are in critical need of care. I can tell the Premier that he can do all the studies he wants; the reality is that the changes are not happening that will make sure that patients who are in critical need of care and attention and surgery get that surgery.

Can the Premier tell us what he is doing to ensure that the critical nursing shortage, which lies at the very foundation of this problem, is in fact being resolved by his government? I say to the Premier that unless he resolves that problem, he can announce all the capital construction he wants, the fact of the matter is that beds are being closed. Beds are not being opened, they are being closed; and they are being closed because the nurses simply are not there. What is the Premier doing to deal with that problem?

**Hon. Mr. Peterson:** I am the first one to admit, as my friend will, that there are a number of problems, and I think they are all being addressed by the ministry. The member talked about the shortage of cardiac beds around the province. There has been a major infusion in that area, and by and large we are on schedule in that regard.



There are problems with respect to nursing, and each situation, as the members knows, is different, but the minister has been meeting with the committee in that regard and I think has plans, with the nursing associations, to address those problems.

**Mr. B. Rae:** Can the Premier tell us whether there are more heart beds open today as a result of the government's initiatives than there were six months ago? Can he answer that basic question? Does he know the answer to that question?

Can he name one specific initiative that has dealt with the problem of nursing? Name one. On shift pay, on differential pay, on pay for particularly difficult work, on any specific issue affecting nursing, name one example where the Premier has done anything to address this critical problem, which is affecting patients today as we speak and will affect patients until time immemorial unless this government is prepared to do something about it.

**Hon. Mr. Peterson:** I cannot tell the member exactly how many beds are in place at the present time as compared to six months ago and relate that to the number of operations that are taking place versus six months ago. All I know is that there has been a major new program and we think it is going to go some way towards meeting those particular needs. As I said, the minister is working on those problems, all admittedly difficult, but I think the member will see a solution in the not-too-distant future.

#### POLICE SHOOTING

**Mr. Brandt:** My question is to the Solicitor General. It is about the shooting of Wade Lawson that took place just about one month ago, on December 8.

Could the minister respond to a question with respect to this incident and indicate why there have not been at this point in time any charges laid with respect to this particular case and why the information relative to the circumstances surrounding this particular shooting have not been released by her office, or any information giving some clarification as to many of the questions, including the type of bullet that was used in the shooting of Mr. Lawson? Why has none of that in fact been clarified by her office to this point in time, after close to 30 days?

**Hon. Mrs. Smith:** The member well knows that police investigations can and often do take a certain length of time and the system is such that we cannot interfere with the police investigations. It is not the role of a politician to do so. The police will continue to investigate, and when

they are prepared to report, they will report to the crown attorney, as the system requires. The Peel Regional Police Force called in the Ontario Provincial Police and it is in the hands of the OPP, at the request of the Peel police force, to do this investigation.

**Mr. Brandt:** The very fact that the Solicitor General is not clarifying the position of her ministry relative to this particular case is leaving a number of very serious and unanswered questions that I believe she has a responsibility to respond to. She is casting a shadow of some question against the policemen who were involved and the police force. There are questions being raised by the black community. There are questions being raised by the community of Mississauga.

Could the minister, at the very least, respond to the Globe and Mail article which I believe was printed on December 20; at least in the month of December? The article in the Globe and Mail indicated there was an illegal bullet used in this particular instance. The minister's office either knows or does not know with respect to this question: What type of bullet was used? Could she indicate and clarify whether the innuendoes, the suggestions and the outright accusations are correct with respect to the use of that particular type of bullet?

**Hon. Mrs. Smith:** It would be most improper for me, as Solicitor General, to try to get particular information that is in a police investigation and will be turned over to the crown attorney at the appropriate time. It is not in my hands or in the hands of my ministry.

**Mr. Brandt:** Going back to last week, the minister's initial response on the whole question of the use of the hollow bullet was that it was beyond her jurisdiction and there was no reason to issue a directive in this particular matter because it was in the regulations. A day later, some 24 hours later, she changed her mind on this question as a result of the information that was released by the former Solicitor General, indicating that he had knowledge of the fact that this particular type of bullet was being used illegally and he did nothing to stop the use of that bullet in spite of the fact that it is very clearly outlined in the regulations of the Police Act in this province that that bullet is not to be used.

I understand full well that this type of weapon is used by the Royal Canadian Mounted Police and by other police forces.

**Mr. Speaker:** The question?

**Mr. Brandt:** Does the minister in fact have specific knowledge of the use of the hollow-



headed bullet in Ontario? Is that the reason she released her directive?

**Hon. Mrs. Smith:** I think we have to stay very clear on particular cases versus the use of a bullet in a general way. In a very general way, the act, the regulations clearly say that hollow-headed bullets will not be used except in very particular circumstances. This is a matter in which I completely concur and gave very strong—

**Mr. B. Rae:** There are no circumstances. Look at the act and tell me the circumstances.

**Hon. Mrs. Smith:** The only circumstance in which these can be used is at the direct order of either a police chief or the commissioner of the OPP, and it would be done only in cases of international terrorism.

### HOSPITAL SERVICES

**Mr. Brandt:** In the absence of the Minister of Health (Mrs. Caplan), my question is to the Premier. It is with respect to a very serious situation that was raised by my colleague the member for Mississauga South (Mrs. Marland) with respect to Al Coleman.

As the Leader of the Opposition (Mr. B. Rae) pointed out, Mr. Coleman attempted on some six occasions to get heart surgery in this province, and in all instances that surgery was postponed. When the question was raised with the Minister of Health regarding this specific case, the response was: "All is well. The health system in Ontario is working fine." There were 11 attempts in total made by Mr. Coleman and his family to get heart surgery, and the information we have is that Mr. Coleman regrettably passed away on December 20. Is this an indication that the health system in Ontario is working well in the Premier's view?

**Hon. Mr. Peterson:** This is a tragic incident. I read about it in the newspaper this morning, as did my honourable friend. I wish I could give my honourable friend the details around this tragic incident. The minister is looking into it and will share that with my honourable friend. I think we have to get to the bottom of this and certainly it is our intention to do so. If there is anything there we can correct, obviously we will try to do it.

My friend could easily stand up in this House and talk about the hundreds of cases of surgery that take place every day that all work very well. I am not saying there are not problems; there are problems from time to time, but my honourable friend can concentrate on the problems or he can look in a fair-minded way at a system that is considered by many to be one of the finest in the world.

1400

**Mrs. Marland:** Mr. Speaker, I wish I could have the indulgence of your position in the House to give the Premier the details of Mr. Coleman's death, but I realize I will not have that consideration. I should point out that I dealt with Mr. Coleman because Mr. Coleman called me. It is true he is not one of my constituents.

When the Premier says he is going to get to the bottom of this, I want to tell him that it is too late for Mr. Coleman. What the Premier has to get to the bottom of are the continuing waiting lists. Yes, he announced \$18 million last June, but six months later we do not see the results, and what is \$18 million? I would like to tell him that it is 0.14 per cent of a \$13-billion Health budget. If it takes \$70 million, \$80 million or \$100 million to eliminate the waiting lists for these kinds of patients, then he could go and face the Coleman family today who are without their 63-year-old father—

**Mr. Speaker:** Question.

**Mrs. Marland:** —who happens to have been a Second World War paratrooper who risked his life for his country.

When the Premier says we are seeing the results of his announcement of \$18 million, which may in fact be a very paltry sum for a solution, can he tell me where the results of that announcement are? Can he show me what waiting lists are now shorter for this life-saving surgery?

**Hon. Mr. Peterson:** My honourable friend puts this in terms of money. Her view is it does not matter what the situation is with respect to money. The Treasurer (Mr. R. F. Nixon) tells me we are putting an additional \$1.2 billion into health care this year. This is in addition to the already existing cardiac units across the province.

I recognize, as my honourable friend does, that there is a real demand on the system, that the incidence of cardiac surgery is increasing, with higher age expectancies and with more and more people having access to the surgery, and that is all a good thing. I think the member will see we are committing resources in this regard.

I say to my honourable friend as well that when she stands up and says, "What is \$50 million or \$75 million?" it is her friends who run around saying we are spending too much in this province. In a way, I think she would have to look at the system and say—I am not denying there are problems. In a system this large, there are problems and there always will be problems. We do not pretend to be perfect in that regard, but



I think she would have to say that on balance it is meeting the needs fairly well.

**Mrs. Marland:** There are millions of dollars spent on heart research. When we now have a surgical remedy for a heart disease patient and that patient does not receive it simply because of a lack of funding of the facility, there is something wrong with the priorities of this government. When he says he is going to get more to the bottom of this, it is the other patients I am concerned about. I can name him three right now who are scheduled for March. I dare not even tell them how long ahead Mr. Coleman was scheduled, and even for him it was too late.

When he says that we as a Progressive Conservative caucus are always asking that he spend money, I want to tell him that every one of the Progressive Conservatives in Ontario—

**Mr. Speaker:** Question.

**Mrs. Marland:** —will stand on a public platform and defend spending money on saving lives over reducing class size.

**Mr. Speaker:** Question.

**Mrs. Marland:** My question for the Premier is this: He is allocating money this year to reduce class size in grades 1 and 2 across this province. Is that a greater priority for him than saving the lives of the grandparents of those children?

**Hon. Mr. Peterson:** My honourable friend raises an interesting question. I guess what she is saying is we should get rid of the educational budget and put it all into health care, or someone else will stand up and say the environment is more important. We have a multiplicity of needs that we have to meet. We are responsible for building roads, education and health care, and we are doing that as best we possibly can.

My honourable friend is introducing a bill to use some of the lottery moneys in order to assist in health care, in health care research and other things, and she is against that. In a way our problem, frankly, as I understand her priorities, is that she would not spend money on education even though her colleagues get up every day and say we are not spending enough on education. Her other colleagues will have a different point of view. There is not a consistency of purpose or message coming from her caucus in that regard. Frankly, I do not think she is in a position to speak for them any more than anyone else who takes a different position than her could speak for her caucus.

I think we are funding these things at a relatively good level. I am not denying there are problems in the educational system and the

health care system. We have to meet the needs of a large population of 9.5 million people for health, education and a wide variety of other areas, and I think most people would say our priorities are pretty good.

#### HOME CARE

**Mr. Allen:** To the Minister of Community and Social Services: On December 5, the Red Cross commissioner, Douglas G. Franklin, wrote a letter to the Treasurer (Mr. R. F. Nixon), in which he stated that unless the government makes clear its 1989 funding commitments with respect to the Red Cross, the homemaker service would begin closing as of January 20 and would be withdrawn totally by the end of June.

I wonder, since the minister now has had a month and the government has had a month to review this situation, whether the minister has a statement for us today in which he can tell us how he plans to cope with this emerging crisis and to avoid the tragic situation which will surely follow for many elderly and disabled if the Red Cross homemaking service in fact begins to close as of January 20.

**Hon. Mr. Sweeney:** I do not have a statement as the honourable member has requested. I can tell him that homemaker services will continue to be offered in the province. What I cannot tell him is who will be offering them.

He will be well aware of the fact that in many communities the Red Cross does not offer homemaker services, but other agencies and organizations and community groups in fact do offer them. So the Red Cross is not the only one available.

I can also tell him that we are certainly reviewing the Red Cross request, but I cannot give him a commitment as to what the answer to it will be.

**Mr. Allen:** It certainly is true that the Red Cross is not the only service, but the Visiting Homemakers Association of Toronto indicated on December 21 that unless its deficit of over \$200,000 is met, it too would be closing, but as of an April date. The minister obviously is standing by while the nonprofit homemaking services around the province are collapsing, and he will be out of business with respect to them very shortly.

Perhaps it is fair then to ask the minister: Is the government in fact prepared to see all of the services in Ontario for homemaking offered by the for-profit sector? If so, is he prepared to envisage the cost in terms of extent of service, costs of service, spirit of service, if the whole



community-based homemaking service in fact collapses around him in the course of the coming months?

**Hon. Mr. Sweeney:** In most communities in Ontario there is a mix of commercial and nonprofit services available, and that would appear to be the desire of those particular communities because they could have gone totally one way or the other if they chose to do so. That seems to work reasonably well, and it certainly would be what I would support.

**Mrs. Cunningham:** My question is also for the Minister of Community and Social Services, and it also relates to the Red Cross homemaker program. This last month, as my colleague, the member for Hamilton West (Mr. Allen) has already stated, has been one of considerable concern and uncertainty for some 180,000 people who rely on Red Cross homemakers in order to stay in their own homes. Many of them are seniors. We recently had a letter from the Ontario Coalition of Senior Citizens' Organizations indicating they were very disturbed with the lack of support by the minister responsible for senior citizens' affairs and also by the Minister of Community and Social Services.

My question is this: In the riding of Stormont, Dundas and Glengarry, where the Red Cross is the only provider of homemaker services, what is the minister going to do with regard to the Stormont, Dundas and Glengarry Red Cross homemaker services, since they are the only providers in that community and have been since the history of this service in the province?

**Hon. Mr. Sweeney:** The honourable member will be aware of the fact that this ministry and the Ministry of Health and the government have been requested to put more money into increasing the wages of the homemakers themselves. I must tell the honourable member that has been our priority: to find the money to increase those direct wages. The particular request of the Red Cross has not been to meet that particular need, but rather to meet its own internal administrative deficit.

As I think I answered once before, it is a difficult choice for me as a minister, for the Treasurer, for the Minister of Health (Mrs. Caplan), for the government, to direct funds into the administration costs when obviously they are needed in the direct application of the workers' salaries themselves. That is what we have got to weigh in Stormont, Dundas and Glengarry, the same as we do in every other part of the province.

1410

**Mrs. Cunningham:** The Red Cross is not simply asking to be bailed out around this \$1 million. They want the recommendations outlined in this report the minister has just referred to, on visiting homemaker services, implemented across this province.

This report was commissioned two years ago and this government made a promise just over a year ago, during the election, that this was one of the services that in fact it would be supporting: "We will support integrated homemaker services so citizens who are ill can stay in their homes." This is the whole premise of health care services, the minister is telling us, in this province; this is the one that matters.

**Mr. Speaker:** And the question.

**Mrs. Cunningham:** Will the minister make a commitment in the House today to implement the recommendations obtained in this report?

**Hon. Mr. Sweeney:** In her preliminary remarks, the honourable member is certainly correct when she indicates that the current request from the Red Cross is not just for a \$1-million bailout this year. That happens to be the first part of the request.

The second part of the request is for us to recognize that they will have a potential deficit for the subsequent fiscal year of in excess of \$3 million. That is why the issue is difficult to deal with. It is not just \$1 million this year; it is \$3 million next year as well, and we have no way of knowing what it will be in subsequent years.

With respect to the particular report, I have indicated in the House that we generally find that the Ministry of Health and ourselves—as the honourable member knows, the Ministry of Health is responsible for about two thirds of the homemaker services and my ministry for approximately one third—are generally in favour of the recommendations in the report for increased wages for the direct workers, for increased training for those workers because the number of people staying at home have greater needs than they used to have in the past, and finally, to deal more specifically with the needs of the various agencies supplying those services. Yes, there is general support for that document.

#### DRINKING AND DRIVING

**Mr. Adams:** My question is for the Attorney General. The Peterborough Against Impaired Driving group has made a new year's resolution to be even more active in 1989. However, it has expressed concern that the province is de-emphasizing its alcohol reduction programs. Is this true?



**Hon. Mr. Scott:** I would like to thank the honourable member for the question and to confirm to him, as I confirmed to the group in his constituency which I spoke to, with him, not long ago, that in fact the commitment of the government of Ontario to this program is not only being maintained, it is being expanded as a result of the commitments made by the Premier (Mr. Peterson) in the last election campaign.

I want to tell the honourable member that I believe this kind of community organization in which he is so vigorously engaged plays a very useful part in the general battle against impaired driving in the province.

**Mr. Speaker:** Supplementary.

**Mr. Adams:** Mr. Speaker, thank you for allowing me a supplementary.

Interjections.

**Mr. Speaker:** If you do not wish it, I will recognize another member.

**Mr. Adams:** My supplementary is this: Is the Attorney General in a position to comment on the effectiveness of the anti-alcohol programs over the holiday season?

**Hon. Mr. Scott:** I am able to say that the program conducted over the last few years has had very significant effects, as far as we can judge, in reducing the incidence of impaired-driving-related accidents in Ontario and from that we conclude it has reduced the rate of impaired driving which does not produce accidents as well.

It is not possible for us to assess the experience this Christmas as yet, although we hope to have those figures soon. Our preliminary estimate is that there will have been another marginal but significant reduction in impaired-driving-related accidents.

I would like to bring to the honourable member's attention that in fact the most serious period for impaired-driving-related accidents is the summer months, the vacation period. A large part of our budget traditionally expended for advertising at Christmas has been reallocated to that period of time so we can begin a major attack, as we did last year, on that part of the problem in this province.

#### AUTOMOBILE INSURANCE

**Mr. Kormos:** I have a question of the Minister of Financial Institutions. In April 1987, the ministry promised the creation of a consumer insurance bureau headed by an insurance advocate. It is stated in the release that promised the bureau that the advocate would have the authori-

ty to appear before the rate review board, the Ontario Automobile Insurance Board. Now, there is no advocate. That promise was not kept. There is no intervener funding for persons wishing to appear before the board. Just how is the public interest going to be represented at these hearings?

**Hon. Mr. Elston:** I wish to thank the honourable member for the question and indicate, first of all, that there are several ways in which the public interest is being protected, one of them, of course, being the appearance before the board of the Consumers' Association of Canada, with the support of some money being provided to assist it in retaining people who are experts in the area to carry out an analysis of the report put before the board.

I can also tell the member that he and his leader, along with the member for Leeds-Grenville (Mr. Runciman), have also appeared, voicing, I presume, public issues as opposed to partisan issues with respect to their appearances. In fact, the board has provided time for people who wish to put the case on behalf of the public; in fact, to put their own cases with respect to their opinions on auto insurance premiums in front of the board as well.

I can also tell the honourable member that the board's mandate is to inquire into the rates to be established on the basis that they be fair and adequate. Certainly, that is a public interest requirement that is put squarely on the shoulders of the board. It is in the process of doing that in a very public and open hearing in which there are very long and strenuous cross-examinations of the technical reports and the advice received from the people who are appearing in front of the board itself.

**Mr. Kormos:** I was concerned about the promise of an insurance advocate that was not met, but the minister speaks of the Consumers' Association of Canada. He also speaks of the highly technical evidence that has been offered to date, which gives rise to this question, because on the last day of its hearings in December, a consultant retained by the consumers' association testified, and when there was an effort by the press to interview him outside the hearing room, the interview was halted at the instruction of the chairman of the board. Subsequently, the chairman of the board in the hearing room admonished and chastised the press and witnesses, indicating that it is not normal practice that witnesses should be making statements to the press.

**Mr. Speaker:** Question.



**Mr. Kormos:** Whose normal practice? The industry has had its spokesmen there, day after day, making statements and providing prepared statements to the press.

Is this an example of this government's openness and fairness, that the press should not be permitted to interview people and that people should not be permitted to speak to the press?

**Hon. Mr. Elston:** First of all, can I say that the honourable gentleman knows the issue is being widely discussed and debated in a very broad public forum. Another forum in which it is being discussed is this one. I cannot say there are people who are unaware of the auto insurance rate question, as it affects the people of Ontario right now.

There is, in my opinion, a very thorough analysis of the hearings that are being undertaken in a very open forum at the board's offices even now. In fact, the witnesses' testimony is available. Transcripts are available for anyone to examine fully. I am sure the member is doing that. I am sure the public is being benefited very widely by the thorough analysis that is being provided by the members of the media who are seeing the interviews in the hearing rooms.

I can tell the honourable gentleman that there will be more hearings as we go on. The people will be free to participate in listening to those hearings as they proceed. The detail and the information that is available will come out of those hearings. I am sure he will want to tell the people of Ontario, as I do, that in fact there will be a very thorough analysis of the entire process. That is happening and it is very clear that the people are being well served by that process.

1420

**Mr. Speaker:** Thank you. New question. Interjections.

**Mr. Speaker:** Order. The member for Carleton is waiting patiently to ask a question.

**Hon. R. F. Nixon:** New haircut; this is it.

**Mr. Sterling:** I have a question of the Premier, Mr. Speaker.

**Hon. R. F. Nixon:** Dianne made her opening gambit. Now let's hear yours.

**Mr. Brandt:** Yes, and he is going to get taller, too.

**Mr. Sterling:** Thanks for the support, Andy.

**Mr. Speaker:** Question for the Premier?

#### POLICIES ON ALCOHOLIC BEVERAGES

**Mr. Sterling:** The Premier will recall that last November 22, he said in response to a question

concerning the Ontario government's failure to implement the free trade agreement's transition assistance programs that "it is the federal government that is responsible for those people who have been laid off or lose their jobs as a result of this trade agreement; just as, if we passed legislation in this province that affected someone else, surely we would have the responsibility."

Given that Ontario's refusal to comply with the terms of the Canada-European Community agreement on wine pricing would expose all Canadians and workers to approximately \$150 million in trade penalties, can the Premier tell us if it is his intention to have his government compensate other provinces for any job or trade losses incurred by them as a result of his policies?

**Hon. Mr. Peterson:** First of all, may I say to my honourable friend on behalf of the Liberal caucus, happy haircut. The member does not know how handsome he looks today with his new haircut.

Let me just say to my honourable friend that he is in a very interesting position. What he is doing is standing up in this House and saying to the government, "Sacrifice jobs in Ontario to protect some unspecified jobs in some other province." That is what he is saying. He is in a very bizarre situation, let me tell him.

I have followed these negotiations very closely. We have watched the federal government advancing the Canadian position. I can say to him, and I have said it before, that we do not feel they have really advanced the position of the grape growers here and in other provinces with the kind of dexterity and commitment to Canadian jobs they should have. I am very worried about that situation.

The process is still being discussed, I should say to my honourable friend. It has not gone to the General Agreement on Tariffs and Trade panel. That will be some time in the future. But I find it very curious that he and his colleagues are prepared to stand up and write off an important Canadian industry.

I want to make one other point to my honourable friend. Miss Carney, when she was the minister during the softwood lumber discussion, established the principle that the province with the major industry, British Columbia in that case, would have the major say with respect to those international negotiations. That means, in translating it with this case, that Ontario, with the major industry, should have the major say.

We do not believe the federal negotiators carried our case with particular judgement or

commitment. There was, shall we say, a hidden motive of shoving us back along the terms of the free trade agreement, which is very punitive. So what I am surprised about is that the member, as an Ontario representative, an Ontario politician, would not stand up and fight for jobs in this province the way this government is doing.

**Mr. Sterling:** I think the Premier is the last guy who should be commenting about haircuts. He must remember I have a picture of him five years ago.

Interjections.

**Mr. Speaker:** Order. Does the member have a supplementary?

**Mr. Sterling:** Obviously, with the degree of levity on this issue—

**Mr. Speaker:** Thank you very much. I will ask another person if you do not place your supplementary.

**Mr. Sterling:** Thank you, Mr. Speaker. For two years, the Premier has engaged in the worst type of doubletalk on these trade issues. We now see the Premier's commitment to the General Agreement and Tariffs and Trade is about the same as it was for the free trade agreement. He has as much substance on his trade veto as his famous bottom-line deal on the free trade agreement.

Can the Premier tell us why he seems to be more interested in provoking a constitutional battle with Ottawa than developing a coherent trade policy? Why is it that other provinces seem to be able to develop coherent, co-operative and reasonable trade policies with our federal government, and the Premier, representing one province, seems to be standing alone?

**Hon. Mr. Peterson:** With great respect, I do not accept that. I recognize that Tory research in Ottawa writes their questions over there. He should be embarrassed to stand up and read the questions—

**Mr. Brandt:** That is nonsense. Prove that allegation. Go ahead and prove it.

**Hon. Mr. Peterson:** I have provoked the member for Sarnia.

**Hon. R. F. Nixon:** That is right. He rose like a trout.

**Hon. Mr. Peterson:** We can see he just rose from his sea of guilt. I am trying to do the honourable member a favour. He does not want to stand up and take credit for the questions he is asking in this House. Blame somebody else. Blame the federal party. At least it will not be his fault.

Let me say to my honourable friend, I want to just take this tack because this is an issue we have been very close to. My honourable friend will be aware that we went through a tough set of negotiations with the federal government on the softwood lumber matter. He will remember, as we remember, that we stood alone.

**Mr. Harris:** You caved and accepted the deal.

**Hon. Mr. Peterson:** It just shows how completely inconsistent they are. They say we caved in to the feds, while the member says we did not cave in to the feds. They do not have a clear view of the situation. We stood alone on that matter.

**Mr. Harris:** You caved.

**Hon. Mr. Peterson:** How does he mean, "You caved"? If you could assist me, Mr. Speaker, there is a fight developing between the two members opposite because they have completely different views on this matter and I might be able, with your assistance, to explain what in fact happened.

The federal government made a deal on softwood lumber. We are now seeing the effects of that in this province and other provinces. We said it was wrong. We said we should not be getting into any part of that deal and they did not renegotiate their way out of it through the free trade agreement. We stood alone, and I say with confidence and with the hindsight of history, that we were right, the federal government was wrong and the people he is defending were wrong. Why should we stand by and see Canadian interests sold out for the sake of political expediency? That is what we saw—

**Mr. Speaker:** Thank you.

## PARALEGALS

**Mr. Faubert:** My question is to the Attorney General. Some lawyers have expressed concern that a number of independent paralegals are presently and unlawfully performing legal work in Ontario. In fact, at a recent Law Society of Upper Canada meeting some lawyers indicated that many of these people lack formal legal training or knowledge.

Can the Attorney General advise this Legislature what he has done to respond to this problem?

**Hon. Mr. Scott:** After the matter of paralegals was dealt with by the Court of Appeal for Ontario in the POINTTS case, we asked Dr. Ianni, president of the University of Windsor, if he would meet with the various paralegal groups, the law society and other groups in order



precisely to look at the question to determine what should be done in the public interest.

**1430**

There is much to be said for the provision of some nonlegal, paralegal service, which hopefully would be available to serve people on a more economic basis than is presently the case among some members of the bar. On the other hand, there is the public interest in ensuring that the service provided is a sensible one, a prudent one and is in the best interests of the recipient.

We hope to have Dr. Ianni's report available in the next couple of months.

**Mr. Faubert:** Many Ontario lawyers present at that Law Society of Upper Canada meeting expressed their concern that it would be against the public interest to allow independent paralegals to play a greater role in the Ontario judicial system. Indeed, the members passed a resolution that this provincial task force looking at the issue reject any further expansion of the role of paralegals. Can the Attorney General advise this House what his response would be to that?

**Hon. Mr. Scott:** Having practised law for 28 years, I am well aware that occasionally the members of my profession express their view that something is against the public interest, and quite often it is, but on occasion it is not.

The members of the bar who were quoted in those reports are, of course, reflecting their own view that the public will not be well served by paralegals. That is a highly disputed question. There is much that paralegals can do that can be done safely in the interests of the public and in the interests of the consumer, and it was to try to find the dividing line between what should be permissible for paralegals and what should not that we asked Dr. Ianni to do his report.

#### ACID RAIN

**Mrs. Grier:** My question is to the Minister of the Environment. Under the Countdown Acid Rain program, the minister has now received reports from three of the major polluters and will have one from Ontario Hydro by the end of this month, outlining how they plan to meet the acid rain emissions and in fact that they intend to expend considerable sums of money on meeting those levels. Can the minister tell us how and when he intends to respond to those reports?

**Hon. Mr. Bradley:** First of all, I was pleased with the initial look at the information which was put forward to us by the various polluters in acid rain. The member may recall that there were those who in 1985 were doubting Thomases,

who said that this would never happen. On one side they were saying, "It is much too strict; they will never meet it." On the other side they were saying, "You shouldn't trust the fact that these companies are going to meet this."

In fact, the programs have been put forward. Inco says it is spending \$494 million and will drastically change its operation. Falconbridge and, similarly, Algoma say they will meet it—and Hydro.

Our staff will evaluate those reports as they come in, to look at the validity of them, to look at the technology that they are suggesting and to look at the cost figures. But I must say initially, if you compare our situation to other jurisdictions, I am pleased with the initial reports that have come in, and after detailed discussion within the ministry, detailed analysis of it, we will be in a better position to be able to pronounce on the validity of the contentions within the reports.

**Mrs. Grier:** Evaluation of those reports within the ministry is exactly what I was hoping I would not hear from the minister. I want to remind the minister that during the life of the select committee on the environment, when the Countdown Acid Rain program was examined, it was found that there was a major loophole: for example, Ontario Hydro's banking privileges, which were subsequently eliminated.

What I hope the minister will do is refer the reports he has received and the one he is about to receive from Ontario Hydro to the select committee on the environment. Can the minister give this House any commitment that this committee will be reconvened—it has not met since the last election—and that the very crucial report on how the Countdown Acid Rain program is to be implemented will be referred to that committee and subject to the most wide and public scrutiny possible?

**Hon. Mr. Bradley:** The comment I would make first of all, if I read this note: The reports are available at this time, as the member would know, for anyone in Ontario to analyse. I know there are a number of people within the environmental movement, those within industry and those within government who will be delighted to have the opportunity to analyse it. I know the member for Etobicoke-Lakeshore would in fact be prepared to do the same.

In terms of committees of the House, as the member would know, the House leader of each party makes a determination, based on the recommendation of each caucus, on which committees will be established and when they will be established and the committee itself then

decides what it is going to deal with. I know that others across the country have looked upon this with a great deal of interest because in other jurisdictions governments had to provide the lion's share of the money to effect proposed reductions. In Ontario, I have seen no recommendations within these reports that one cent should be spent by Ontario.

#### AUTOMOBILE INSURANCE

**Mr. Runciman:** I have a question for the Premier regarding automobile insurance. It is a question he has been able to dance around by referring to the minister. I see him glancing down that way. I am going to ask him a very specific question: Did he or did he not, in September 1987, leading up to the provincial election, publicly state that he had a very specific plan to lower automobile insurance rates?

**Hon. Mr. Peterson:** The minister can handle that.

**Mr. Brandt:** That was on September 7.

**Mr. Breaugh:** I do not remember the word "lower" being used.

**Mr. Harris:** I would recommend to give a little listening.

**Mr. Speaker:** Order. It has been referred to the Minister of Financial Institutions.

**Mr. Runciman:** Mr. Speaker, on a point of order—

**Mr. Speaker:** That is what I was about to say. If the member has a point of order, I will certainly listen to it. I have always done that.

**Mr. Runciman:** I think the Premier is treating this whole opportunity in terms of question period with complete disdain. I have asked him about a very specific quote attributed to him, not to the Minister of Financial Institutions, and I think it is incumbent upon the Premier to respond to the question.

**Mr. Speaker:** I listened very carefully to the question and it is up to the minister or the Premier, to whom the question was directed, to decide whether to answer it or whether to request another minister to answer.

**Hon. Mr. Elston:** I want to thank the honourable gentleman for his question and the reference to me for an answer. I want to indicate to the public, obviously, that the importance of the issue of auto insurance is not underestimated in any regard and that is, in fact, the reason why there is a very important and thorough analysis of the auto industry, the type of analysis that is required to ensure that, in fact, the rates and

premiums which are charged are fair and reasonable and we are getting value for the money which is being charged. That is the important part of the issue of auto insurance.

**Mr. Brandt:** That was not the question. The question was: Was it the plan to lower auto insurance rates or not?

**Hon. Mr. Elston:** The underlying question which every person in the province has on his or her mind is: Do we get value for the money we are being charged for auto insurance premiums? The analysis which has been undertaken in a very public and visible forum in this province will go a long way to answering those questions and in fact has been very good and thorough.

1440

**Mr. Runciman:** Out of respect, that is a shameful and embarrassing response and the consumers of the province are not going to be misled by that kind of response to a very specific question.

There is a growing suspicion in this province that the so-called very specific plan was really a plan for short-term political gain and long-term consumer pain. We have called on the Ontario Automobile Insurance Board to subpoena the Premier to appear before the board and explain just what his plan is. He has been unwilling to do it in this House. The minister is unwilling to respond on his behalf. The consumers of this province deserve a response.

Will the minister tell us right now, instead of being jocular about a very serious situation, does he or does he not have a very specific plan to lower automobile insurance rates in this province? He should tell us about it.

**Hon. Mr. Elston:** The interesting thing that we should all take into consideration is the fact that we must all understand the issue in its entirety, something the member has not been able to explain to the public as he addresses his questions in this House. He has refused, or in any event he has refrained from, the discussion of the insurance industry in a very thorough, logical and analytical way.

What the board is doing is bringing forward for the consumers of this province in a very public way the entire manner in which rates for auto insurance are established in this province. It is something that group never did. It is something we have done so that consumers in Ontario will, for the first time, be armed with the real information about how rates are set. In fact, they are going to be assured that there will be fairness in those rates.



## RETAIL STORE HOURS

**Mr. Farnan:** My question is to the Premier. The archdiocese of Toronto made a very significant gesture to help address the needs of affordable housing in our province. They demonstrated not only their compassion and concern; they demonstrated a willingness to co-operate in finding a solution.

When the archdiocese of Toronto joins with all the other denominations and requests this government to refrain from pressing forward with its Sunday work legislation, surely this government, aware that the churches reflect the majority opinion of Ontarians on this issue, could demonstrate a similar willingness and a similar attitude of co-operation. Will this government heed the pleas of the churches of Ontario?

**Hon. Mr. Peterson:** I am sure my honourable friend shares my view and believes in the separation of church and state. We are having a discussion about that in this House. I hope my honourable friend will bring his views to bear, as will others, on this particular matter and then this Legislature will pass judgement.

**Mr. Farnan:** The Premier will agree that the churches of Ontario have made an extraordinary contribution to our province, not only in the development of the moral fibre that strengthens our society but in a vast variety of fields of service to the aged, the ill and the disabled.

Given that church groups of every denomination appearing before the standing committee on administration of justice have appealed to the Premier and his government to reconsider their position with regard to Bill 113 and Bill 114, will he listen to the voice of the religious leaders representing millions of Ontarians? The answer is yes or no.

**Hon. Mr. Peterson:** I take their views very seriously, as I take my honourable friend's views seriously, and indeed those of thousands of other people across the province. If the member is asking me whether we should turn the government over to the collective churches, I think the answer to my friend is no.

My honourable friend will recall that on a number of issues the church agrees with the government and vice versa; on some other issues, there are differences of opinion. But the member is elected to govern, as am I, and we have to discharge our responsibilities in that regard. My question to my honourable friend is, why does he not get on with these matters and make sure that they are debated in the House and that we get on

in a forthright manner rather than just wasting a lot of time?

## PETITIONS

## TEACHERS' SUPERANNUATION FUND

**Mr. Eves:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

"The proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

It is dated December 15, 1988. It is signed by 97 teachers from the East Parry Sound Board of Education. I have affixed thereto.

**Mr. Speaker:** If I could have the attention of the members, I have called for petitions and I know that all members would like to be heard.

## OPTOMETRISTS' FEES

**Mr. Owen:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Professor Wesley Rayner, dean of law, University of Western Ontario, acted as chairman, mediator and fact-finder for the negotiations between the Ontario Association of Optometry and the Ontario Ministry of Health.

"In his fact-finder report, Professor Rayner said, 'I am of the view that the appropriate global revision (of OHIP fees for optometrists) should be the revision received by ophthalmology, (6.35 per cent) for the same time period...April 1, 1987, to March 31, 1988.'

"Professor Rayner justified his recommendation by pointing out, 'The concept of equal pay for equal work has much to commend it. Indeed, it is my understanding that it is a fundamental policy of the government. More importantly, the concept has an inherent appeal in terms of simple fairness.'

"In view of these facts, and as a matter of principle, the government of Ontario must recognize the justice of providing OHIP fee parity as prescribed by Professor Rayner to the province's optometrists vis-à-vis the ophthalmologists."

It is signed by 16 optometrists in my area and it has been submitted by myself under my signature.

#### TEACHERS' SUPERANNUATION FUND

**Mr. Harris:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

"This proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

This petition is signed by over 700 active and retired teachers. It was gathered up by Mrs. Mary Saad before Christmas. I intentionally held it until after Christmas so that we could keep this momentum going with these petitions. I know she is watching today and wants to know why it was not brought in before Christmas.

#### MADAWASKA HIGHLANDS REGIONAL TRUST PARK

**Mr. Pollock:** I have a petition.

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We wish to oppose the Madawaska Highlands regional trust proposal. We want the Legislature of Ontario to have a full debate in the Legislature on this matter and hearings to be held in the communities affected."

It is signed by 20 concerned citizens and I have affixed my signature to this petition.

#### HOME CARE

**Mr. Villeneuve:** My petition touches on a series of questions that came up today in the Legislature. It is signed by 2,395 constituents in Stormont, Dundas and Glengarry, in Cornwall and in Prescott and Russell. It reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the Red Cross Society has incurred a deficit because the government of Ontario has failed to fulfil its promise to adequately fund home care services and therefore the Red Cross may be forced to withdraw their home care services, we petition the Treasurer of Ontario to

adequately fund the Red Cross services so that more than 170,000 citizens of Ontario are not forced to seek more expensive care in an institutional setting."

I fully agree with this petition and I have signed this petition as well.

#### TEACHERS' SUPERANNUATION FUND

**Mr. Neumann:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

"This proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

This petition is signed by 125 members of the Superannuated Teachers of Ontario, district 40, and accompanied by a letter of transmittal from Orland Harrison, president of district 40, who took up the petition.

#### 1450

**Mr. Villeneuve:** I have a similar petition to that just read. It reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

"This proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

This petition is signed by 141 residents in the riding of Stormont, Dundas, Glengarry and East Grenville and the riding of Cornwall. I have also affixed my signature to it.

#### MOTION

**Hon. Mr. Conway:** I had two motions, but I will be doing just one because we have a late change, I gather, with the estimates in the standing committee on social development.

#### PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Mr. Conway moved that Mr. Pelissero and Mr. Reycraft exchange places in the order of



precedence for private members' public business and that, notwithstanding standing order 71(h), the requirement for notice be waived with respect to ballot items 53 and 56.

Motion agreed to.

### ORDERS OF THE DAY

House in committee of supply.

### ESTIMATES, MANAGEMENT BOARD OF CABINET (continued)

**Hon. Mr. Elston:** Mr. Chairman, may I request permission for the assistant deputy and deputy ministers to take positions at the table and may I also move to seat 8?

Agreed to.

**Mr. Chairman:** If I remember well, Mr. Philip was asking questions when we last sat.

**Mr. Philip:** As I indicated to the minister, I want to deal in some depth with the pension program of the Ontario public servants.

I regret that we have only an hour and 20 minutes left, because there are so many other issues that I want to deal with as well. I recognize that I had asked for additional time and that we got an extra hour for these estimates, but I think perhaps in another year we can have considerably more time. I think these estimates warrant that, particularly if we are going to be in the House, which adds to a kind of more rigid format rather than a give and take.

As a way of introduction, I would like to just read into the record one of the many letters I have received from constituents. This particular person, who lives in my riding, says:

"I have been an employee of the Ontario government for"—and then he or she mentions a number of years. "The Ontario government is threatening to take an additional two per cent of my pay in extra pension contributions.

"Our pensions have never been negotiable, we have never had any say in either contribution levels or benefit levels and our pension fund is not invested. If it was, the government would not need extra contributions either from us or the taxpayer.

"Through our union, we are trying to negotiate a new pension deal with the government. Please help us in your caucus and in the Legislature to get fair treatment."

The union which represents this particular constituent turned out a statement in September 1988 to all MPPs, and it deals with a number of issues. I want to question the minister on a

number of the statements made in that particular piece of information supplied to MPPs.

On the matter raised by my constituent in this letter, the Ontario Public Service Employees Union says under point 4, in case the minister has a copy of the OPSEU brief, on investment of the funds:

"Our people are angry that the Ontario government treats their pension fund as a cash cow to milk as it sees fit. There are assets of \$4 billion in the fund, yet we face the prospect of increased contributions from both employees and the taxpayers because the adjustment fund can't meet its commitments.

"This occurs at a time when other contributory funds are concerned with massive surpluses. Even the Rowan report, also commissioned by the government, recommends that the public service superannuation fund be invested.

"We believe that with proper investment this fund too would generate sufficient surplus revenue not only to cover existing commitments but to fund improved benefits. That is important, because we want improved benefits."

I ask the minister if he agrees with the statement that notwithstanding the assets of \$4 billion, if this were an invested fund there would be more money and there would not be a requirement to ask public servants to contribute more from their pockets; in other words, in one way or another, to take a pay reduction in order to top up the fund.

**Hon. Mr. Elston:** I want to thank the honourable gentleman for his opening remarks on the windup of our estimates. The issue of pensions has been ongoing for some time, but I want to be very clear that the member understands exactly what takes place with respect to the pension plans.

There are in fact two parts to the pension plan as it applies to the public service. One is the actual plan itself; the other is the adjustment fund which came about as a result of legislation in 1975 and for which there was another plan established to provide for the adjustments required under it.

I am not absolutely sure that the statement of \$4 billion as outlined in the OPSEU brief is fully accurate. I am not disputing it in any event, but the whole issue that surrounds the payment for any unfunded liability which has been highlighted in the reports has dwelt on the adjustment fund and not on the other part of the pension plan itself at all. So with respect to their contention that if we had invested things more wisely there would be more money, I disagree.



In fact, the one thing I must say about the OPSEU brief is that it fails to indicate clearly to the public that it has been invited to participate in looking at what happens in that plan for some time, but it has chosen not to because of the issue of negotiability as it applies to the overall plan of remuneration in the public service.

They have taken a particular stand and that is their prerogative, but there have been invitations extended from time to time for them to talk to us about the plan and to be involved with respect to administration for a long time. In fact, we undertook a series of discussions not that long ago, just before we broke at Christmas. There were continuing discussions about what we might or might not do with respect to pensions, and OPSEU was invited to be a participant at the table with us on those.

From my point of view, as far as it goes it perhaps is okay, but it does not go quite far enough to explain exactly what has been the history of the activity between the government of Ontario and OPSEU as it applies to these plans, and it certainly should be made very much more clear that there are two parts to the plan—the main public sector plan and then the adjustment plan. Bearing in mind that this is the case, I cannot agree fully with the part that the member read into the record.

1500

**Mr. Philip:** Perhaps because of the background noise, the minister did not hear what I said. I think I was fairly clear in what I did say. I referred to both plans in my question. I referred to the \$4 billion as being the adjustment fund, but when I asked about the superannuation fund, I was talking about the superannuation fund being invested. Rowan clearly made that as a proposal. Is the minister saying that he is disagreeing with the Rowan commission recommendation, which is backed by OPSEU and indeed is the report of his own government?

**Hon. Mr. Elston:** I want to be very, very clear that I think when the member talks about the support of OPSEU for the Rowan report, he would probably also want to make sure that OPSEU is saying, if we go into a more aggressive or risk-oriented investment portfolio, that at the same time Rowan recommended that if there were higher risks being taken, there ought not to be any guarantees given on the part of government for the performance of the portfolio.

Rowan was very clear that if you want to aggressively pursue risk-type investment, the rewards of that risk-taking should go to the fund, but that at the same time, if you make a conscious

decision to move to a risk-taking mode, you ought not to be requiring a guarantee to that risk by, in this case, the Ontario government. I do not know that OPSEU would fully go along with that part of it.

I have heard, at least indirectly, that they would say, "Be more risky in investment in some ways, at least higher-performance investment," which I guess is the way you would term it, but I would suspect that they also want it to be backed up by the government of Ontario. I do not think that in fact you can have it both ways in that sense.

**Mr. Pouliot:** I guess the minister over the years has had it not both ways but several ways. What he is looking at here in terms of superannuation, and he will please correct me if I am wrong, is one of the best-funded plans not only in Ontario, in Canada, but indeed in North America. Projections will attest that for, let's say, 50 years, maybe until the year 2040, yes, the plan is indeed funded; that the government will be able, with the \$11 billion or an amount surpassing or exceeding \$10 billion, to meet its responsibility.

The government has responsibilities, but concerns as well. The minister will recall that, as late as last year and for decades, the government was only too pleased to use the funds of the superannuation plan and was compelled to do so in their entirety.

**Hon. Mr. Elston:** We have to use it.

**Mr. Pouliot:** They have to use it, but now what they are saying is that the fund has become so rich by virtue of times being good times that their needs are really not the same. In fact, they could get money—maybe not in the past couple of months because of interest rates, but before that—at a cheaper rate. All they have to do is go to the people they try to blame now and then or, let's say, their portion of the Canada pension plan, and they could do quite well.

But for a number of years, and this is their responsibility as well, they paid less than what the market dictated for superannuation. The minister will tell me, and rightly so, "Yes, but we did make an equal contribution," and I guess he is right there. I think the government's problem is what my learned and very distinguished colleague the member for Etobicoke-Rexdale (Mr. Philip) is saying: that we have two subject matters being addressed here. One is the superannuation plan as we know it, and then there is the relatively recent subject matter of indexation.

Then, of course, the government has some problem—we are talking about one per cent of



contribution. I will not be meticulous in terms of the recommendation but I think it has been suggested that after the year 2008 it go to, and please do not quote me, something in excess of 2.3 per cent. Our constituents are saying is that there is enough money in the main fund that the government does not have to go to a supplementary levy regarding indexing.

In fact, they would do very well, in terms of superannuation, to look at the most lucrative three instead of the most lucrative five. They could well afford to go to a factor 85 when they look at the years of teaching in this case and also at the age of the contributor, and they could afford to do both. They could afford to go out and say, "Just a factor 85, relatively short-term." They could also afford to take the most lucrative three instead of the most lucrative five, and the funding would still be okay because, again, they have more than the \$11 billion, I trust, in the fund.

I would like to hear the minister's comments. I realize that lately he has been under siege. We have not had answers this afternoon during question period—that is neither here nor there, of course—regarding specific plans to lower insurance premiums. So it would be much easier now and he should feel much more comfortable. He does not have to defend anyone. It is not a trick question; it is not a trap question. We are saying, "Why don't you adhere to some of the concerns of our citizens?" and they also spell out the alternative.

**Hon. Mr. Elston:** The honourable gentleman has given me adequate leeway to respond to a number of parts to his interjections here. I would have to say, first of all, that he was not listening very carefully during question period because the answers there were very full; in fact, so full that the Speaker then in the chair thought that I should save some of the information for another answer.

I can tell the honourable gentleman with respect to the public issue of auto insurance, which he raised, that there will be another set of estimates in which we can discuss that issue. In fact I will be very pleased to tell him, along the very same lines as I told the member for Leeds-Grenville (Mr. Runciman) and the member for Welland-Thorold (Mr. Kormos), that the very public nature of the inquiry into the basis of setting rates for the auto insurance industry will arm consumers with the type of information that they need to make an informed decision and choice about how they place their insurance and the amount that they pay for that insurance. In fact, they will be able to compare the products

that are on the market, not only in Ontario but also right across Canada and then into the other North American jurisdictions—California, New York and all the others.

I just wanted to make it very clear that I did not wish to get into the insurance issue because I had, in my opening remarks, in reply to a couple of people who talked about insurance, said, "That's another area."

But let us get back to the pension issue, because what my honourable friend the member for Lake Nipigon (Mr. Pouliot) has done inadvertently is combine or lump together the teachers' superannuation plan, the public sector superannuation fund and the adjustment funds. It seems to me his analysis—because he was talking about teachers, as he had indicated very clearly to me—had said it was suggested that the teaching part would pay for all of the indexation that was at question in the context of the letters that he and his, to quote, very wise and distinguished colleague the member for Etobicoke-Rexdale had brought up.

We must be clear that the mandate of the minister responsible for Management Board, and as a result for pensions for public servants, is responsible only for that portion that deals with the public service and is not responsible for the part of the pensions that deals with teachers. That is, of course, the mandate of the Minister of Education (Mr. Ward), and with respect to that part of the honourable member's information, which he so kindly provided to us today, he should be directing that inquiry to the Minister of Education.

#### 1510

But let me say again, so that I can be very clear, the honourable member should know that there have been invitations from time to time to the Ontario Public Service Employees Union representatives to hear about and see what is going on with their pension investments and otherwise. In fact, they did not want to come to observe what was happening or to be informed. They decided they wished to retain any participation in the plan until they could come to grips with what is a very long-standing issue for them, and I understand their position, that of including it as a negotiable item with respect to their entire remuneration.

That being the case, they made a decision. Now they are trying to say that if there had been more wise decisions, there could be more money available.

I cannot agree with the whole premise they are putting forward in their material, and that is the



reply I gave to the member for Etobicoke-Rexdale; i.e., there was not quite a full enough explanation of all the background history so that I could agree with the premise set out in that piece of information for us.

That being the case, we are always interested as a government in talking to the OPSEU representatives so that we can work in a very full and fair fashion with those people who represent the employees of the province of Ontario. We have indicated our willingness to discuss and we have continued to discuss the pension issue, along with a whole series of other issues, so that we can come up with the best result that best exemplifies the model employer we are committed to being in the Ontario jurisdiction.

**Mr. Pouliot:** I want to thank the minister for recognizing a certain degree of validity in drawing a parallel or an analogy with the superannuation fund. The reason I wondered is that there are many funds that model employer has access to and draws from. To say that when someone is saying on the one hand that there is a contribution for what is a basic pension plan, and then on the other hand that there is a supplementary or a separate fund for what is an adjustment to the main pension or recognition of the inflation factor, invites adversity.

I dare the minister or anyone else in the government to go and tell an employee or suggest to an employee who is paying as high as 6.9 per cent of his base rate in some cases, when he sees the performance of those contributions: "Now you are going to pay a supplementary, not one per cent but an additional 1.4, 1.5 or 1.6 to the one per cent you are already paying. Forget about the main fund doing so well."

I think it is very legitimate for someone to mention to the minister, "Look, I am paying such a percentage of my income for my pension plan, and if that fund is doing very well, I want you to recognize, as a normal reaction, very logical—why should you refuse to look, and yes, why should you refuse to negotiate, while you are at it, in the spirit of collective bargaining? Why should you refuse to look at the main plan in order to satisfy that there is a surplus if it is doing extra well?"

That is a normal reaction. The minister should not be the least bit surprised or upset or look at people as if they were adversarial in their argument. I think it is a very good argument. It is a logical question. We have absolutely no quarrel, but we have reservations about the fact it is not negotiable.

In the private sector, he would have a great deal of difficulty getting away with that, for the funding of pensions and the base for pensions represent a very important, in some cases the most important, component of the collective agreement. Yet when it comes to the public sector and what the minister refers to as the "model employer"—maybe he is talking about himself, but I guess it can begin at home at any time. When he was there, those people used to say the same thing, so please, no platitudes.

The thing is, it can be made better by having it as a normal part of bargaining and arriving at an agreement regarding pensions, because when he asks the people who are working with, or for the government in this case, he will have to look long and hard to find a subject, when we are talking about salary and benefits, more important in the minds of many than the pension. In fact, that kind of philosophy can spread to his colleagues. It is not very important with our people, with the New Democratic Party. We are more concerned about putting more into the system than we take.

I have been listening on the subject of pensions, and some of the people who associate with the minister are very well versed. They know a lot about pensions. In fact, it is appalling and shocking how quickly they can relate to the indexation portion the most lucrative three, the most lucrative five, and so on. I think the minister has an opportunity to do what is right for the civil servants of Ontario and to put his proposal front and centre as part of the collective bargaining process.

I think he owes it to them. Those people are not faceless bureaucrats, but the people who more often, time and time again, are working very hard at a salary that is not always commensurate with the work and dedication they put forth. They do not have all that recognition there, so maybe over a number of years, in terms of deferred wages, the minister could begin to do justice.

The report does not address that meticulously, but there is a process whereby you can read between the lines and arrive at what is really a conclusion. The minister can afford to do it; he is doing it with people's money. It is a matter of rearranging the formula.

But first and foremost, let's say tomorrow will be brighter than today. "I am very proud to be a civil servant, for at least I get to bargain and discuss my pension plan at the negotiating table." I think the minister could make that commitment right now.

**Hon. Mr. Elston:** The honourable member is very helpful in his interjection, but shows, of



course, that he has not been able to keep pace with all the discussions that have been ongoing with respect to people in the human resources secretariat who have been at the forefront of trying to encourage broader participation and co-operation as it applies to a number of issues in the workplace, including remuneration and the types of programs that are available for people to share work and other things.

We have been discussing for some time, for a long time before the member came up with this question here today, the issues of a co-operative approach to managing in the workplace. I want to commend my deputy minister and assistant deputy minister who have been in charge of that, because they have gone a long way to analysing where it is that strides can be taken and advances made.

But we are not always met with the degree of encouragement, should we say, from the other side that is required. There is sometimes competition, the need for which is not always as clear to me as it obviously is clear to the people with whom we discuss these issues. That does not mean I am not willing to explore ways of producing a more modern workplace. I am quite prepared to talk at any time with anybody who has genuinely good ideas. That means they must be things that can be implemented, and that can be manageable as well, in the best fashion possible to produce good results for both the employer and the employee.

1520

I have no problems with considering those types of opportunities, and in fact we have been exploring a number of places where strides can be taken, but as I said, if there are more areas the member would like us to explore, I am certainly open to those.

I just want to say one thing, though, about the honourable member's suggestion that his colleagues alone are inoculated in some fashion against some deep-seated interest in pensions, whereas the rest of us here are interested in taking more out of the system than he is. I took offence at that, because I can tell the honourable member for Lake Nipigon that he ought to understand that he and his colleagues in the New Democratic Party also participate in the pension plan that is made available to all of us.

**Mr. Philip:** Yes, we have a say in it.

**Hon. Mr. Elston:** I just thought the member was suggesting in some way that only his caucus—because those were his words: “We in the NDP,” he said, “are only interested in putting more into the system than we take out.”

I can tell him that I took offence at the way that was presented. He may want to clarify it, because I am displeased with that presentation. It is not the way in which I thought I was regarded by the member for Lake Nipigon. I think all the members who serve here are putting forward a very clearly public-oriented effort that is designed to put more into the system. We are designing legislation and measures that will assist in the development of a society we believe will be much better for our participation.

I want the member to be quite clear that he was not suggesting that the members of the third party and the members of the government caucus were somehow not as dedicated to the public service as the New Democrats.

**Mr. Laughren:** A bit defensive, are you not?

**Hon. Mr. Elston:** No, I am not being defensive. The member for Nickel Belt says I am being defensive. I am telling the honourable member that—

**Mr. Philip:** Just wasting time.

**Hon. Mr. Elston:** No. The member for Etobicoke-Rexdale says I am wasting time. I am not wasting time. I tell him this: Every time those guys get up and start talking about how dedicated they are and suggest that the member for Simcoe West (Mr. McCague), the member for Lanark-Renfrew (Mr. Wiseman), the member for Frontenac-Addington (Mr. South) or the member for Carleton East (Mr. Morin) are not interested in the public interest, I have to stand up and put the counter argument, because these people serve just as hard as the member does. I do not think he really meant to say the things he said, although he said them. He can have a chance now to clarify that.

**Mr. Pouliot:** The minister could be right. I guess he will have the opportunity, with Hansard, to perhaps quote verbatim what has been said. The proverbial social conscience of our party has never been in question here. But the minister is right that much more important than perhaps vanity or egocentricity, if it serves his purpose as convenience, is the convenience and necessity of the people; this is the main issue here.

What is important here is not what he thinks or what I think. What is important is the people taking money out of their salary, putting it into a pension plan so they can look to the future with confidence, reaching the bargaining table and discussing what they are funding. That is much more important than to say, “Well, I am more



sincere than you are," and this and that. That is not important.

What is important is people. Every hour they work, so many cents, sometimes so many dollars, come out of their pockets in deferred wages so that when they work for 20, 25, 30 or 35 years, they will not have to join the bread line. Yet when it is time to bargain that benefit, they do not have a chance to do so in real terms. The minister knows very well what I am saying.

That is the focus; that is the issue being discussed. I want to remind the minister that dancing all over the House inviting consultation will not do it, because it is not important. What is important here is the bargaining process of the employees who are putting their money into a pension fund.

**Mr. Philip:** I wonder if I can get back to the question the minister did not answer in his long string of platitudes. He perhaps should be called the Chairman of Platitude Board rather than the Chairman of Management Board.

He seemed to suggest that somehow it was OPSEU and the New Democratic Party that were suggesting we should approach the investment of these pension plans in a businesslike way. Does the minister not agree that it is his own commission's study, the Rowan commission's report, which says:

"The assets of the public sector pension funds should be invested in market investments.

"The investment policy for public sector pension funds should be determined by the fund governors, in the context of the pension deal and the nature of the liabilities?"

OPSEU is asking fairly clearly that the public service superannuation fund be invested. Why is the minister so much in disagreement with a report that was commissioned by his government, which it paid for and which it seems to be ignoring along with a number of other proposals in this report? Does the minister agree with the report or does he disagree with it? If he disagrees with it, why? Let him give us the evidence.

**Hon. Mr. Elston:** The honourable member for Etobicoke-Rexdale has not listened to the things I have been talking to him about; that is, the series of meetings we have had to talk about the issue with the employees' representative, OPSEU. We have discussed a series of initiatives that might be of interest to the employees in the province, but those discussions have not borne fruit at the present time, at least to my knowledge.

I can tell the honourable member that it certainly would not be in my vocabulary to

accuse the New Democratic Party of being businesslike, nor would I even dare it to become businesslike in its management. I would not dare to do that at all.

I would tell the honourable member that I am committed to talking to OPSEU, to anybody who has ways in which we can become a more modern employer if he does not think we are modern enough now. If there are new ideas about how we can structure pension plans; if there are more interest rates the gentleman wants to talk about as they apply to the return on investment for these; if there is a whole series of ways we can improve upon that process, I am willing to discuss them. But I am not at this point looking at moving away from the practice without being able to discuss the manner in which what might be described by some as a partnership in this process could be put together. It has to bear, in my mind, the result of a meeting of the minds of employer and employee. It seems to me we should have an understanding of what we are getting into.

The gentleman who made the inquiry of me about the Rowan report in particular has to understand that if there are changes to be made, I want to be able to try to come to an agreement, as employer, with the employees about how we attack these interesting issues. I am not going to declare here in the Legislative Assembly today, in the absence of that coming together of employer and employees, changes or a modification in the way in which the plan works. That is not my way.

Right now, I think the superannuation adjustment fund is the subject matter of the question, although the member has been trying to take what he declares to be a surplus out of the public sector superannuation fund and apply it to a whole series of issues. Basically, the issue is whether or not money is raised to come to grips with what has been reported to be a deficiency, right? I think that is fair.

**1530**

From my point of view, there are all kinds of things that can be done if there is a willingness to come to an agreement. All I have said to the member is that I am prepared to speak and to try to arrange that agreement between the two of us. That does not reflect on the Rowan report or otherwise.

I said to him, though, with respect to the Rowan report, that if there are investments made which are more revenue generating than the current arrangement, then I would expect, as a reasonable person, that I would be free to remove any guarantee of performance, because if you



invest the funds in a riskier sort of portfolio, why should the taxpayers of Ontario be required to underwrite that investment?

I say that cannot happen. It seems to me that I would be very neglectful of my role in managing the taxpayers' dollars to underwrite a riskier portfolio.

**Mr. Philip:** You commissioned a report. The report was tabled in November 1987, and now the minister seems to have the response that he wants to discuss still further on into the next century or whatever.

It is not by accident that nearly every report that I read in the newspapers over the New Year in assessing this government said it was a government that studies things rather than solves problems, and a government that breaks promises rather than meets its commitments. Now the minister wants to study them still further.

I ask this minister then: This report was tabled in 1987. Is he prepared to table in this House his position, as Chairman of Management Board, on each of the recommendations, so that we at least know where he stands on every one of the recommendations that Rowan has made? Is he prepared to do that?

**Hon. Mr. Elston:** I think the honourable gentleman will know that the report itself was commissioned through the auspices of the Treasurer (Mr. R. F. Nixon). A response will be made, I presume, by the Treasurer in that role.

I was not there when this thing was first commissioned. I do not think it came out of the Human Resources Secretariat. In fact, the investment policy for the superannuation fund, or at least the overall pension issue itself, is handled through the Treasurer's auspices. So from my point of view, that is—

**Mr. Philip:** The Treasurer was the Chairman of Management Board at the time. He was wearing both hats. This minister is responsible for the public service. This deals with it. The Treasurer has not tabled a report or his response to the report yet.

This minister is supposed to be responsible for efficient management. The government has one report after another and then it has reports to study reports. One has to ask at some time, when is this government going to take a report that has cost the taxpayers so much money and when is the minister going to tell us what his position is, as the minister responsible for implementing this report, or does he plan on just having one more report to study the report?

**Hon. Mr. Elston:** The honourable gentleman will want to know, and in fact will want the

people of the province to know, that the Treasurer commissioned the report as the Treasurer. The Treasurer has carriage of that part of the pension policy, because it affects not only the public service pensions but it also affects the teachers' pensions. The overall management of that issue is the Treasurer's and his response will be forthcoming and reasonable, as it usually is.

From that point of view, the ragings of the member for Etobicoke-Rexdale ought to be understood by the people of the province as an indication that he is—perhaps I want to consider my words carefully—at least just straying away from the issues that affect the public sector pension plan; that in fact that issue, the Rowan issue, is one which the Treasurer will provide his answers to.

I just want to be very clear, though, to the people of the province that if a decision is made that we invest pension plan funds in a market which is riskier than the required investment of those funds now in the government—I guess that is the way we would have to say it; by legislation, I think we have to pay a designated percentage on this as a return—if that is the ultimate outcome of this, then as a guardian of taxpayers' money, I would want to make sure that I am not going to be underwriting the performance of that. In fact, the people in the province should not be asked to guarantee that. If you want to invest in riskier portfolios, by all means make that decision, but do not also drag the taxpayers in to underwrite any problems which are the result of the investment of those funds in a higher-yielding portfolio.

**Mr. Philip:** I am sure the taxpayers of this province are shivering in their boots now to know what we are proposing and what OPSEU is proposing and what Rowan was proposing, which is that the minister might actually go out and risk money by investing in such things as Treasury bonds, those terribly speculative types of things, first mortgages that might actually allow a person to get into a home by getting a mortgage through an investment by the government. I am sure they are shivering in their shoes, worrying that their tax money is going to be frittered away.

Let me get around to another issue. Sure, the minister says he is prepared to talk. He has been talking for a long time. He does not say very much other than platitudes, but he talks. Is he prepared, as 50 per cent of the funds are the funds of the employees, to have the employees sitting on that board which makes those decisions of where that investment is going?



**Hon. Mr. Elston:** I have tried to say before, and I will repeat it for the honourable member, that there has been an invitation to have employee representatives viewing the performance of the operation of this plan for some time. They have chosen not to because they have another issue they wish to have addressed before they become formal participants. That is, in fact, okay. They made the decision, but it seems to me that the member cannot then stand up in here and say we have never extended the invitation.

I also want to repeat, so the member will hear it and might possibly understand, that there were talks held throughout the fall which were designed to create a new forum, a new way of dealing with the issue, but those discussions have not met with success to this point. I can tell the honourable member that it has not been for want of trying. The fact that we have not succeeded at this stage does not mean we will not continue to discuss the items of how we deal with pension investment and other things.

**Mr. Philip:** The minister seems to think that somehow OPSEU should accept his offer of tokenism. It is the equivalent of the two of us entering into a partnership in which he owns 50 per cent of the shares and I own 50 per cent of the shares, and he thinks he is giving me something by saying: "You can sit in at the board of governors' meeting and view what's going on as I make those decisions about how your money is going to be managed and invested." I say to the minister that OPSEU has said he has not offered it a partnership in investing. Let him show us where he has offered them an equal partnership, as it is their money and their pensions that decisions are being made about.

**Hon. Mr. Elston:** I will have to repeat that we have discussed a whole series of possibilities with OPSEU. It is not easy for the honourable gentleman to understand, I guess, that we have been prepared to talk about a whole series of initiatives. He has refused to acknowledge that is what has happened. When we talk to our employee representatives, we talk about a whole series of possibilities and we will continue to do that.

What he is suggesting, and I think it is in error—I know it is in error—is that we are unwilling to consider new ways of managing the pension plan. I can tell the honourable gentleman that in fact we are willing to do that. We have to discuss the ways in which it can be done, in just the same way that we are willing, as an employer, to discuss ways in which we can improve the workplace for people, the manner in

which people are able to work in the public service of the government of Ontario. We are willing to discuss those, and we are willing to reach reasonable agreements with our employees and will continue to strive to do that. I just have to be sure that the member understands that those discussions have been ongoing for some time, and although they have not borne the fruit I would have liked by now, there is no reason why new suggestions cannot be made that would be of assistance to us.

But before you can have a meeting of the minds, you obviously have to clearly understand each other's positions and then work towards some kind of way of reaching consensus. That is not always possible in each situation, but I am not prepared, in that sense, to stand up here today and publicly say to the member what the government of Ontario has talked about or not talked about with the employees with whom collective bargaining is a very important issue. It is important for me; I like to protect the integrity of the collective bargaining process. I will talk about, in general terms, the types of initiatives that we hope to discuss, but I am not going to be doing detailed discussions in public of our talks with OPSEU.

1540

**Mr. Pouliot:** It is nice to see that the minister is at least committed to improving the chemistry to the point where he will at least listen. There is such a thing here as collective bargaining. What we are talking about is somewhat simple. The government, as an employer, pays 50 per cent, half of the contribution. That sum is matched evenly by the employee. Yet the government pays 50 per cent of the cost and makes 100 per cent of the decision.

The minister is really appalled when we talk about liability. I really do not blame him. He is not going to go into "the open market," since the government is paying 50 per cent, it has responsibility as an employer, and covered liability. Yet I have a very vivid and recent parallel here, the SkyDome, where the government is underwriting 100 per cent of a possible \$150 million in liabilities, but it is not nearly as appalled and shocked or reluctant when it comes to that one. That is a partnership for disaster for corporations. There are two kinds—one is the consortium and the other one is the taxpayers possibly left holding the bag—but that is okay.

We would like to see the government move a little quicker, make a more serious commitment. It is not going out on a limb and somebody else is cutting the tree; the government can take that



chance. Normally, if you pay 50 per cent of the cost of the program, is it not normal to have discussions about it, to have 50 per cent of the say in the decision-making process?

To me, that is very plain, simple and straightforward. But the minister seems to have, with the Napoleonic syndrome that seems to overtake him from time to time, difficulty with that kind of democratic approach. I would like him to make the commitment. I can assure him he will have the acquiescence, the respect of everyone in this House, inside the walls and outside the walls as well, because he will do what is right.

I pay 50 per cent of the premium, I should have 50 per cent of the say. What does the minister say to that?

**Hon. Mr. Elston:** The honourable gentleman persists in saying nice things, kind things and speaks about democracy and another series of other things which are conveniently sort of juxtaposed against the current situation. I guess it is with respect to the management of the pension plan.

I can tell the honourable gentleman the same as I said to his honourable and learned colleague, that in fact we are willing to discuss a series of things. We always have been and we will always try to deal with those. But he really wants me to negotiate with him as OPSEU's representative, and I am not prepared to do that, because I do not believe he has a mandate to do that.

I will, through my people, speak to OPSEU's elected representatives, which is a democratic situation, as the member knows, and I am committed to a democratic process. Representatives of OPSEU are elected at meetings. I presume there will even be an annual meeting coming up shortly where they will probably elect a new executive or reaffirm the existing one. I will continue to work with those democratically elected people and the people who are designated to speak to the employer about issues of mutual concern, one of which, of course, is pensions, a very important one; also other working conditions and a whole series of new things we could explore together as employee-employer in a co-operative relationship.

But in light of my support for the democratic process, I am not willing to bargain with a person who is not an elected representative of the OPSEU people in this forum.

**Mr. Philip:** I disagree with my colleague the member for Lake Nipigon. I do not think the Chairman of Management Board has a Napoleonic complex. Napoleon actually did something

and we have not seen any action from this minister.

**Mr. McCague:** On a point of order, Mr. Chairman: It may be a point of privilege. I would hope you would listen to it, Mr. Chairman. We are now closing in on 80 minutes of estimates today and the opposition party has had all but 27 minutes of that 80 minutes. I just wonder if there is an opportunity for the third party to ask a question or two.

**Mr. Philip:** May I just ask one last question on this?

**Mr. Chairman:** One last question.

**Mr. Philip:** The minister says he cannot comment on the Rowan report because it is the Treasurer who is going to come down with the final decision as to where he stands on Rowan. Then he says, "But I am willing to talk to OPSEU about some of the things they're asking for." But OPSEU is asking for some of the recommendations of the Rowan report. I ask the minister how he can be negotiating when he has not ascertained what the Treasurer's position is on the very issues on which OPSEU is trying to get some kind of response from the government. How can he pass it off to the Treasurer and then say he is negotiating in good faith with his employees on the very issue which he says is the Treasurer's responsibility, not his?

This is the Tweedledum-Tweedledee kind of response. Et tu, Alphonse? But it does not amount to bargaining in good faith. It is just game-playing.

**Hon. Mr. Elston:** The honourable gentleman does not have all the information, I guess, although he should know that the Treasurer is actually co-ordinating discussions which have been held with respect to, in the broadest sense, the whole pension issues that face the Ontario government vis-à-vis the teachers' superannuation fund, the superannuation adjustment fund and the public service superannuation fund. He is quarterbacking that series of discussions in which we are all involved.

The member asked me if I would table, point for point, my response to a report which I commissioned. I had to correct him by saying it was in fact the Treasurer who commissioned it. Whether he was also, at that point, acting Chairman of Management Board is really of very little interest.

**Mr. Philip:** On a point of order, Mr. Chairman: What I said was that his government commissioned. I said "you commissioned,"



meaning his government commissioned. I think he can check the record.

**Mr. Chairman:** It is a point of clarification.

**Mr. McCague:** As the Chairman of Management Board will recall, there were various questions raised in our discussions in the earlier part of his estimates. I just wonder if he is going to answer those questions before somebody is prompted to ask him what it really is he does, because we really have not got any answers from him yet.

**Hon. Mr. Elston:** In the light of the new sense of co-operation that obviously the new year has ushered in, I would first want to wish my honourable colleague the member for Simcoe West a happy new year and indicate to him that I was remiss in not wishing the member for Etobicoke-Rexdale a happy new year as well.

But I would also want to indicate that I would not want to be in the position he was in, and having reported in Hansard, that he was not sure what he did as Chairman of Management Board. I will tell him, and I provide a whole series of answers to questions. I have, and have been prepared, I thought, to give some general observations about some of the questions which were left with us before we broke at the last sitting of these estimates. I have, in fact, a sheet of staffing levels which will be made available to the members as well.

1550

I can tell the members, with respect to a couple of questions—one in particular about staffing levels, which I presume they are quite interested in getting more information about—that as of November 30, as it applies to ministers' offices, the complement of people is 311, which includes four classified people. This compares to the November 1, 1984, number of 309, which I think the members have in the form of a response they received from the Treasurer some time in 1986, when he was also then acting Chairman of Management Board of Cabinet.

I would say this about the complement: although there is only a variation of some two—that is, there are two more people now employed in ministers' offices than there were then—there are, as I understand it, more contract people now—that is, unclassified people—than there were in 1984. That is one difference.

Let us see, I am trying to look for my numbers here: 307 are unclassified or contract people as of November 30, four are classified civil servants; in 1984 there were 309, of which 230 were unclassified and 79 were classified civil servants.

That at least talks about that part of the issue. I can give him better information with respect to the numbers by sending that sheet as I had indicated to both him and the member for Etobicoke-Rexdale, in terms of all the numbers I read out in December 1988 when we last dealt with the estimates.

If he wished to get into some of the other areas, perhaps I can be more precise with respect to some of his other follow-up questions if he wishes.

**Mr. McCague:** I would have thought the minister would have taken the questions that were asked of him previously and come down with a short statement which answers all those that were asked. As I recall, I did not specifically ask the minister the last time we met about the number of civil servants in the ministers' offices, but the number of civil servants in the government as a whole.

I was referring to the fact that I thought that at one time there was a list of the total number of civil servants in all ministries across government. I may be wrong in that and I said at that time that I could be wrong, but I thought it used to be present. Obviously, as I have found out, members never get too much information from this government, especially 20 minutes before the estimates discussion is to conclude. The minister is still hanging on to it; probably in 23 minutes I will get it and there will be an opportunity to ask a question at some later date.

I would have thought the minister would have wanted to make some statement about the accountability in the transfer payment area which has been highlighted by the Provincial Auditor and for which I understand he is preparing a plan. Would the minister like to comment on that at this point?

**Hon. Mr. Elston:** I have two comments: One is, the information which I am providing for the member, which is just being given to him now, is no different from what I read out to him at the last sitting. It shows the numbers, totals and changes in those totals as I read them, so it is not as if he has been prevented from getting that information. I apologize for not having written it down for him earlier, but that information was all made available and in fact should appear in the Hansard report of committee of supply as well, because I quickly read through it and gave some voice-over explanation, as I understand it, with respect to that; so the information is readily available.

I thought that I had actually given a series of replies to some of the member's questions, particularly about transfer payment accountabili-



ty, inasmuch as I believe also the member for Etobicoke-Rexdale had raised the same question and I had made some replies about that because he had spent some considerable amount of time talking about internal audit and I know the member recognizes the importance of that as well.

I felt I had provided enough of an overview of that that the member might be inspired to other questions, but I can repeat for him at this point the fact that we are in complete agreement that the accountability for transfer payment agencies must always be scrutinized very thoroughly. I think he will find that, even since the days when he was Chairman of Management Board, there has been a tightening or of an awakening of the realization that more accountability procedures must be put in place and that from time to time you review and look at what can be done to ensure that the taxpayers' dollars are being spent reasonably.

The directives and guidelines which we make from time to time are sent out. In this case, in May the directive and guideline dealing with this accountability was sent out by Management Board. I can tell the honourable member that we are as committed as any ever have been at Management Board to ensuring that there has been a continued emphasis on accountability for the expenditure of the dollars.

The auditor's report, from my point of view, has always been interesting. They come up in some cases with recommendations which have already been dealt with, already been implemented, in some cases have already been suggested during the consultations that they have with some of the ministries that are in fact involved with the transfer payment agencies. In some cases, they obviously make recommendations on how we can improve. When that occurs, we are always quite pleased to try to accommodate those suggestions.

Again, I do not know what more we can do than to indicate to the public that we are prepared to be, and remain, quite diligent in our undertaking to ensure accountable expenditure, that the accountability of expenditure of public dollars is well monitored and that in fact it is reported to the public. For any transfer payment agency, obviously, that has got to be a very important understanding when it files its annual report and statement to know that the auditor is going to be concerned with it, as is the Chairman of Management Board, as are the taxpayers of the province.

**Mr. McCague:** I have the figures of government-wide staffing levels that I just received from the minister. I have just done it quickly, but I do not see that in the document that we were given, Management Board of Cabinet 1988-89 estimates briefing. Furthermore, I think the record will show that I asked, ministry by ministry, the staffing levels. Again I will say to the minister that my recollection is that this material used to be in the information that was passed on to the opposition parties, and I stand to be corrected on that.

The minister's answers have all been very, very vague. I had the pleasure of being the Chairman of Management Board, as he knows, for quite an extended period of time, and many of the programs that he takes great delight in are programs that were initiated back in those days.

The point I want to make with him, though, is that I know how good the staff are at both the Management Board secretariat and the Human Resources Secretariat, even though it was called a different name at that time, and I know that they give the minister all the information he needs to properly answer a question and I know that he picks and choose what he wants to say about the answers that they give him. I am quite aware of the capabilities of the staff, but I am also quite aware of the problems of getting an answer out of the minister on some issues.

#### 1600

During the discussion earlier, I asked the minister how he was going to balance transfer payment accountability and local autonomy. He may have answered that question, but he might just find it in his heart to respond, not now but in writing, following the consideration of these estimates.

**Hon. Mr. Elston:** It is obviously interesting to note for the member for Simcoe West that each estimates talks specifically, ministry by ministry, about the numbers of people employed. I do not want to belabour the point, but the information is available when he looks at the ministry reports. Management Board can, I guess, provide for him, if he wishes, a ministry-by-ministry breakdown. We will undertake to do that, so that he can have it. He can also get it by going to various other ministry estimates, if he wishes. The fact that the member wants us to do it is fine by me; we will do it for him.

The interesting thing for the honourable member to note is that I did talk about the issue of local autonomy and the accountability of transfer payment agencies. From what I had heard earlier, I thought that, at least during that day, I



had taken too much time in my response. I had to deal quickly with a whole series of important issues raised by the member for Etobicoke-Rexdale and also by the member for Simcoe West. But that particular issue which the member has just raised is extremely important to us, because there is a fine line with respect to accountability and local autonomy.

People who are involved in making decisions locally as board representatives, whether they are at the municipal council level or are on school boards or are representatives of public boards that receive funds from the province, need a certain leeway with respect to the application of those funds, so that they can meet the local needs of their area. For sure, though, the taxpayers of the province are going to want to know that there is value being received for that money and that in fact it is being applied in a manner which is, first of all, consistent with the determinations of the ministry's own programs—that is, that the criteria are being adhered to—and that the money is being spent by the board in places where it authorizes it to be spent.

I do not think there is any contradiction in that accountability function. If, for instance, the Ministry of Municipal Affairs has a program for the spending of money—let's say something like the program for renewal, improvement, development and economic revitalization, let's take that as a program—where there are a number of requirements put in place and there is a plan filed by the local representatives, I think it is incumbent upon us and the accountability test which is applied to see that the funds are being expended in compliance with the program which was brought forward for the funding.

I do not see that as a basic problem, but I see it as a requirement that we be thorough in pursuing that application of funds. I bring that as only one example off the top of my head, but I think it could equally apply to any type of government program which has criteria surrounding the expenditure made on decisions by local boards, and I think that those certainly can be helped.

I do see some problems, I guess, if the money is not being spent in a manner which is contemplated by the program construction, but as long as the expenditure meets the criteria outlined, I do not see a problem with us pursuing the accountability that is so important to the taxpayers.

**Mr. Philip:** On the subject of unanswered questions, I brought to the minister a specific case of a request by the Ombudsman for ex gratia payments in the case of one individual. I

suggested to the minister that one line inserted into either these estimates or the next estimates could get that case off the books until such time as legislation could be brought in, perhaps to the Ombudsman Act or to a series of acts, to allow for ex gratia payments.

I am wondering if the minister is now prepared to accept that an injustice has been done, that it is a very small amount of money and that the Ombudsman has made a recommendation? Does he intend to fulfil the wishes of the standing committee on the Ombudsman, on which his members are in a majority position and are concerned about this individual case? What does he intend to do about this injustice brought to the attention of the Ombudsman committee by the Ombudsman?

**Hon. Mr. Elston:** I was prepared at the outset to speak a little bit about the case, which received the recommendations of the Ombudsman committee, but we were taken into a discussion of the pension issues, which was the prerogative of the member for Etobicoke-Rexdale, and I did not want to break away from that discussion. I just did not want it to appear that I was not going to address the question, because that was the way in which he premised his few remarks.

I want to say that I think the member for Etobicoke-Rexdale would want to be sure that the public knows well the context in which we are going about these discussions. I know the interest the honourable member has in pursuing an expanded set of estimates perhaps at another time, and I would certainly welcome that expansion so that we could deal with the series of issues he wants.

Back to the issue, and that is of the payment by the government with respect to some \$2,300 or thereabouts, plus interest from 1967: I have gone back and requested reviews. I have talked to various people in my department about the suggestion the member made and that took me into a discussion of some of the merits of the case and I am currently reviewing it.

I can say that there is a feeling, at least on the part of some people who have dealt with this issue, that there was not the type of problem associated with career change direction that was laid out in the report. I do not know, in my own mind, why that type of information did not come forward during the discussions with the Ombudsman or even with the committee as the replies to the questions were being made, but it is my understanding now that the suggestion has been made that, in fact, the issue of the type of credits—I think what I will do is try to find my



notes just so I can be very clear and very sure about what is being suggested. I will just paraphrase what I have, if I may, and leave it with the member so that he can understand the questions that I am exploring with respect to whether the payment be made in line with the recommendation.

First, I will have to advise that it cannot be in these estimates because I have not made my decision yet and we are getting quickly to the end of these discussions; but it is said by some that while the Ombudsman considered the advice that the person received to be incomplete, the position of some of the government staff is that they acted correctly and answered the questions which were put to them, and that other items, which later arose as a result of decisions made ultimately—

1610

**Mr. Philip:** Mr. Chairman, on a point of order: It is the rule of the standing committee on the Ombudsman when it hears a case that the government has an opportunity to present its case, the Ombudsman has the right to present his case and neither side introduces new information on a particular case. Now the minister is saying he wants to get another kick at the can because he has some information that somehow was not available to the Ombudsman and the Ombudsman's committee; therefore, he wants to fudge on whether or not this person was paid.

The minister had his opportunity. His officials made their presentation to the Ombudsman. The Ombudsman ruled against them and in favour of the claimant. They then appeared before the Ombudsman's committee. The Ombudsman's committee, consisting of members of all parties, came to a decision that the claimant should be paid. The officials had an opportunity to present all the information before the committee at that time. Now the minister is saying there are other considerations that somehow his public servants have known about. How many times does he have to have something go to trial before he does not want another retrial?

**Hon. Mr. Elston:** I want to thank the honourable member for his interjection, but I clearly said to him that I could not understand why the material was not presented. That is what I am looking into. I do not know how else to keep him on track. I do not even know what his point of order was, to be quite honest. His point of order, Mr. Chairman, just to assist you in understanding what he is about, is that he is not happy. He wishes it was 1988 or something, rather than 1989.

**Mr. Philip:** On a point of order, Mr. Chairman: It is a fairly clear procedure that you do not introduce new information after a decision and after the evidence has been presented. The evidence has been presented twice: first, to the Ombudsman and second, to the Ombudsman's committee, and a decision was made. Now, the minister is saying, "My officials goofed up and did not present the right information." I say this is not the place then to retry that particular case. The issue is, now that both the committee and the Ombudsman have decided in favour of this man, is the minister prepared to pay the man?

**The Deputy Chairman:** Could I just interject a moment? There has not been a point of order raised. The member has interjected and the minister may respond. Inasmuch as there is only one minute remaining, could the minister please respond?

**Hon. Mr. Elston:** Basically, because of the information that is in my hands, I am considering the matter, as I told the honourable gentleman I would.

**The Deputy Chairman:** The member for Etobicoke-Rexdale.

**Mr. Philip:** I have a question for the—

**Hon. Mr. Conway:** It is time—

**Mr. Philip:** I was recognized, so I trust that I can ask my question.

**Hon. Mr. Elston:** There is no more time left. If the member would like to write me a letter, I will respond to his letter.

**The Deputy Chairman:** There is part of a minute remaining, until the clock flashes.

**Mr. Philip:** Thank you. My question to the minister is this: He has stated that he is in favour of open government; he has stated that he wants public service accountability and that he is trying to develop procedures. How does he account for the fact that while this is going on, his public servants are using the Freedom of Information and Protection of Privacy Act to refuse to supply information to the Ombudsman on at least five cases that are now before him? Can the minister tell us why public servants of Ontario, in different ministries, are using the freedom-of-information act to refuse to grant an open inquiry by the Ombudsman of Ontario?

**The Deputy Chairman:** If I may interject at this point, the time allotted for the consideration of estimates of the Management Board has expired. It is now my duty, in accordance with the standing order, to put the questions.

**Hon. Mr. Elston:** Mr. Chairman, might I ask the consent of the people present for me to respond at least very briefly and then give a more detailed response later on by letter or whatever?

Interjection.

**The Deputy Chairman:** I hear that there is not unanimous consent on that.

**Mr. Pouliot:** Yes.

**Mr. Philip:** I agree to consent.

**The Deputy Chairman:** Your fellow member did not agree.

**Mr. Laughren:** Well, we will agree.

**Hon. Mr. Elston:** Mr. Chairman, I am glad that you were able to bring them to their co-operative senses.

Just let me say that with respect to the Ombudsman's concern about the freedom-of-information act, I do not know the five issues about which the member speaks, but I can tell the honourable gentleman that if there is a problem, it may surround questions of the nature of privacy, because as he knows, freedom of information is also coupled with privacy requirements in the legislation.

If there is a real problem, then obviously the Ombudsman can take that on, as can any other inquirer, to get a ruling from the freedom of information commissioner if he wishes so to do. I think that the process, by the way, has worked relatively well. A more detailed response will be available as I have more detail to deal with it.

**The Deputy Chairman:** It is now time to put the questions and I would therefore ask that the committee of supply consider first vote 2401.

Vote 2401 agreed to.

Vote 2402:

**The Deputy Chairman:** Is it the pleasure of the House that vote 2402 carry?

I hear a negative, so could all those in favour please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Vote 2402 agreed to.

Vote 2403:

**The Deputy Chairman:** Is it the pleasure of the House that vote 2403 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Vote 2403 agreed to.

Vote 2404:

**The Deputy Chairman:** Is it the pleasure of the House that vote 2404 carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Vote 2404 agreed to.

Vote 2405:

**The Deputy Chairman:** Finally, vote 2405: Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Vote 2405 agreed to.

Estimates ordered to be reported.

On motion by Hon. Mr. Conway, the committee of supply reported a certain resolution.

#### REPORT, STANDING COMMITTEE ON RESOURCES DEVELOPMENT (continued)

Resuming the adjourned debate on the motion for adoption of the recommendations contained in the report on accidents and fatalities in Ontario mines of the standing committee on resources development.

**Mr. Speaker:** I believe the member for Nickel Belt adjourned the debate previously.

**Mr. Laughren:** Yes, I did, Mr. Speaker. Thank you very much.

I am pleased that the House has seen fit to schedule a debate on our unanimous report. I did want to start out by expressing my appreciation to a number of people who made the report possible.

First of all, I must say that I was very impressed with the work of the members of the committee. Many of them had never been underground in a mine before; some had never even been in northern Ontario, I think. But they undertook the task with a great deal of enthusiasm and commitment and, as a result, we did finish up with a unanimous report; a report, I might add, that was made unanimous not because it was easy to do so, but because all members sacrificed a little bit of what they thought should be in the report in order to have it as a unanimous report. I hope that the government understands that it is a unanimous report because everybody compromised a bit to make it so.

1620

I did want to name the members of the committee, because of the very hard work that



was done by them: the member for Algoma (Mr. Wildman), the vice-chairman of the committee; the member for Algoma-Manitoulin (Mr. Brown); the member for Wentworth East (Ms. Collins); the member for Etobicoke-Lakeshore (Mrs. Grier); the member for Downsview (Mr. Leone); the member for Mississauga South (Mrs. Marland); the member for Essex-Kent (Mr. McGuigan); the member for Norfolk (Mr. Miller); the member for Kenora (Mr. Miclash), and the member for Lanark-Renfrew (Mr. Wiseman).

Interjection.

**Mr. Laughren:** Of course, we were joined at one point by the member for Lake Nipigon (Mr. Pouliot); as a matter of fact, he hosted our committee in beautiful downtown Manitowadage for a tour there.

Interjection.

**Mr. Laughren:** It was nice; it was very nice.

Of course, members will recall that the reason that the standing committee on resources development was assigned the task was because of the unacceptable number of deaths and injuries in Ontario mines. The only industry in which there is a higher rate of deaths in Ontario is the forest industry.

As a result of being asked to do so by the assembly, the committee held 21 days of hearings and visited, as I recall, 10 different mine sites in order to come up with our recommendations. There was a great deal of co-operation from the Ontario Mining Association and its member companies which helped us arrange the tours. The various government ministries also played a very helpful role.

I would be remiss if I did not acknowledge the role played by previous commissions, the Ham commission, the Burkett commission and the Stevenson inquiry, and the work that they did. They were the true experts in the field, and we followed along behind them and tried to give a legislative sense to their recommendations and to have members of the assembly have an appreciation for much of the work that they had already done.

The committee looked at the causes of accidents. I must say that many of us, when our tour of all the various mine sites was over, wondered why there were not more accidents underground, given the nature of the beast, if you will. In our first paragraph under "Accident Causes and Contributing Factors" we say the following:

"Underground mining is an extremely hazardous occupation. The mine environment is harsh

and unforgiving because of poor lighting, open holes, the presence of heavy equipment, the use of explosives, falls of loose rock from the ceilings or walls, and rockbursts—explosive failures of rock caused by high rock stress. These conditions increase the risk of injury and death."

Given the nature of the environment underground, I have often wondered how there are as few accidents as there are, even though there are an unacceptable number of them. We know what the leading causes of accidents and fatalities underground are. I thought I would break them down briefly, because it is important to know that it is possible to identify them; and once you can identify them, then surely you have a focus or a goal to which you can direct your energies to prevent them.

The leading causes were mobile vehicles, 24 per cent of the accidents; falls of ground, which are rock falls, 22 per cent; fall of persons themselves, 12 per cent; fall of material, 13 per cent, and then just general machinery accidents, 11 per cent. Roughly 86 or 87 per cent of all the accidents can be identified in those categories, which means that there is a manageable number of causes to which management and labour can address themselves in order to prevent recurrences. At least there is that aspect of accidents underground.

The mining industry has the highest severity of accidents of any industry in Ontario, and the average length of time on compensation is slightly in excess of 17 weeks, so that when people get hurt in the mines they tend to get hurt badly, which is another cause for concern.

The cost of mining accidents is truly unacceptable as well. The mining industry, the Ontario Mining Association, recognizes this and it is one of the motivations for attempting to clean up. Through the Workers' Compensation Board, all the costs are paid by management, by the industry. The cost to the mining industry per \$100 of payroll varies from \$4.88 in mixed mines up to \$29.22 for the contract miners.

I want to put that in perspective. What that means is that for every \$100 worth of payroll, for the contract miners the employers have to pay \$29 to the Workers' Compensation Board as their assessment because of the high rate and cost of accidents in that industry. While the industry complains about the high cost, the costs are high because of the number of accidents and the severity of accidents and we must never, ever forget that.

We know that because of that, the record of the mining industry is not good enough. It never has



been good enough and it is not going to be good enough in the future if changes are not made. It was with that in mind that the committee set about its task.

In our deliberations, we did try very hard to come up with a set of recommendations that were within the capacity of the industry to accept. We were not interested in coming out with recommendations that we thought were unacceptable or just simply could not be implemented, given the reality of the technological and economic world out there. We worked very hard to do that.

The very first decision and one of the most important, if not the most important decision we made was to support the internal responsibility system, as a committee. For members who are not familiar with that, what it really means is that we decided that the best way for accident prevention and for health and safety in the mines was that it should be a joint effort between management and labour in the mines.

That is a controversial position for some people, because some people feel that as long as you have the existing situation where the responsibility is shared, then it is difficult to blame anybody for accidents or failure to clean up the act. We felt, however, that if management and labour could not resolve the problem, the alternative was an army of inspectors who would swarm throughout the mines in Ontario in order to make sure that everything was done properly. We did not think that was the appropriate way to prevent accidents and to clean up mine sites. We felt that the internal responsibility system, which is a shared responsibility, was the way in which it should be continued in Ontario mines.

However, and I will not speak for all members in this regard, I do not believe that the internal responsibility system is functioning as effectively as it could be. I believe that the internal responsibility system needs more legislative support by this government, and that includes things such as tougher enforcement and higher fines. It needs stronger support by the chief executive officers of the various mining companies and it needs improved training of workers and supervisors.

If the internal responsibility system is going to work, I believe—and I think I speak for most of the committee members, not all of them—that has to be strengthened. It will not come easily. Unless that is done, then the internal responsibility system will not achieve its potential.

To be specific in that regard, the chief executive officer simply must review all serious accidents and fatalities personally and affirm

annually, in writing, that that has been done. There must be more comprehensive training for first-line supervision. There must be refresher courses. There must be improved training for members of the joint health and safety committees in the mines, and mine management must respond to all recommendations that are made by the joint health and safety committees. The recommendations must not be allowed to sit and simply gather dust for a year.

There is a role for government to legislate some of the changes that are recommended in our report. It is not enough, in my view, for the government simply to respond by saying, "Well, we're going to refer this to the mining fatalities committee; we're going to refer this to the legislative review committee," which is a joint committee in the mining industry. There are some areas where the government must take more leadership and move and introduce legislation.

I will be specific about that. For example, our committee report recommends that it be legislated that at all mine sites where there are 250 or more workers, there be proportionately a full-time worker safety representative: full-time, legislated.

#### 1630

That is not legislated now. There are these full-time worker inspectors where it is negotiated between the company and its union, but it is not there in legislation. There is an opportunity for government to move in that regard. The response of the Ministry of Labour, I think, was sad indeed. I believe it is a blow to the internal responsibility system itself for the government not to understand that has to be legislated.

For one thing, you could quite easily have a mine site that had 250 workers and no union. Then you are not going to get the full-time safety rep who has the right to go in and shut down an unsafe workplace. We believe that fines and penalties should be increased and that the government has responded in a very tentative way. It indicated, in its response to our report, that "consideration will be given in future amendments to the act to an increase in the penalties and fines for contravening the legislation."

That is a bit weak. I hope the government sees that is a very important signal it would be sending out. It is not as though there is going to be much revenue flowing in. It is a case of sending out the right signal that the government is getting serious about infractions of the Occupational Health and Safety Act.



Another recommendation we made was that there be what is called fall-on protection on all machinery underground. At the present, you could have machines underground with no protection above the person who is operating the machine. As a matter of fact, there is legislation or regulations that say for all new mines there must be fall-on protection unless the ceiling in the mine has been made safe by bolting and so forth.

I do not think that is good enough. I think that regardless of whether there is bolting in the roof of the mine and in the walls, there simply must be fall-on protection on all underground equipment in our mines. I think it is ludicrous that we have workers underground driving scoop trams with nothing above their heads to protect them from rock falling on them. It is obviously not going to solve the problem of a major rockburst or collapse of a mine, of an entire stope, for example, but at least it could prevent accidents when there are smaller rockfalls. There is no reason that could not be done and it could be legislated by the government, as well.

Another area which surprised me that it was not already in place, quite frankly, is that open holes underground should be fenced off with proper flashing lighting at the site. At the present, that is not a requirement, as I understand it, and the government response says it wishes to refer it to the tripartite Mining Legislative Review Committee.

I think that is one of those areas where the government should take some leadership and say that all open holes underground must be roped off and there must be flashing lights there to indicate that is a dangerous area.

I believe legislation should be in place that requires mine management to provide refuge stations and lunchrooms in all underground mine sites—that is not the regulation now—and also that workers have it as a legal right to go there to have their lunch. That is not a legal right underground now.

Finally, one of the major ones in my mind was the whole question of auxiliary lighting. At the present, in this day and age, it is still quite legal at a mine site, a working area, a development area which is at the very end of the mine, to have the only light there the light from the miner's lamp. I think that is a throwback to another century and we should not accept that any longer. There should be auxiliary lighting on all underground work sites.

There are requirements for the kind of lighting on the miner's cap and it has improved. But I

really believe it is fundamentally wrong in a work site to have as the only light that small light from the miner's lamp. I think that is totally outdated and that we should require that there be auxiliary lighting that lights up the workplace properly.

It is not just a case of being able to see the rock face so that you can drill the hole properly, it is a case of having proper light all around you so that you can see the machinery better, your fellow workers better, and equipment on the ground better, and until that happens I think we are still living, if the members will pardon the expression, in the Dark Ages. So we simply must improve our lighting underground.

I was pleased that the government actually did give us a response to our report, but I would hope that it would understand that just referring matters to tripartite committees is not enough. There is in the mining industry an organization called the Mines Accident Prevention Association of Ontario—MAPAO. That organization, our committee believes, should become truly tripartite. It should be one third labour, one third management and one third public. Until that happens, that committee, quite frankly, is suspect in the minds of many people. Labour has refused to serve on that committee, and I believe even to this point it has refused to serve on that committee.

That committee gets its money from the Workers' Compensation Board assessment, and unless that is a truly tripartite committee and has legitimacy in the eyes of labour in this province, it should not be getting money from the Workers' Compensation Board. That money could be better spent on injured workers. I feel very strongly that this government has to move and ensure—I am using the MAPAO as an example because we are dealing with the mining industry—that all of the safety associations which get a substantial amount of money through the WCB are truly tripartite committees; otherwise they have no legitimacy.

Here they are, trying to work on improving health and safety in the workplace and they do not have the respect or the sense of legitimacy from the very workers they are trying to protect. I think that makes no sense whatsoever and the government should move to make sure that happens. Do not leave it up to them to make that determination. They have tried and they have not done it. Everyone in the industry sees it as an industry committee, and we have simply got to get beyond that.

I wanted to make a brief comment about the question of the bonus system, because we



politicians are often accused of backing away and not wanting to deal with the bonus system because it is very controversial and a lot of workers in the mines get very angry when they think that we are going to take the bonus system away from them. I must say that the bonus system makes me very nervous because of its emphasis on production.

When the committee started, there was no question that I felt that the bonus system was not a very good thing and that we should look at ways of maintaining workers' incomes but with something different than the bonus system, although it would be ridiculous to say to workers who are working in such an environment that their income would be reduced because we did not have a bonus system. That would be absolutely stupid; but perhaps there was some other way of compensating workers so their income did not drop and there was not that emphasis on production which made us fearful about safety in the mines.

We were unable to find any evidence that the bonus system did in a bad way affect safety underground. But there is a study being done and the tripartite Mining Legislative Review Committee is studying it and has made certain recommendations and we support those recommendations. I will not read them because of lack of time, but I think it is important that we continue to study the whole question of the bonus system to see whether some safety incentives can be built into that bonus system so that workers' incomes are not cut down. That would be really, as I say, stupid. But safety can be built into the bonus system, because it would be ridiculous to make workers pay twice: once with having to work in a dangerous environment and secondly with a reduction in income.

In our final recommendation we stated the following: "The government should continue to study the occupational illness and disease concerns of miners with the assistance of competent professionals in order to establish appropriate diagnostic and intervention strategies designed to prevent a recurrence of past problems."

That was the last of our 50 recommendations.

1640

I must say I was disappointed with the terms of reference of the committee, to begin with, that they did not include illnesses underground, because as members will know, there are more workers who die from illnesses contracted underground than from injuries that occur underground, so it makes no sense for government to make a big show of concern about the

mining accidents and not deal with the question of illnesses. We feel very strongly that there should be a continuing look at that.

To give some examples, in 1987 there were 1,253 occupational disease claims versus 1,176 injury claims in the mining industry. Between 1982 and 1987, there were 75 fatal injuries underground and 128 deaths due to illnesses that can be associated with mining, so illness fatalities outnumber injury fatalities underground. We surely cannot pretend that they are not a more serious problem.

The number of industrial disease claims in the mining industry is almost double the total number of industrial claims in other industries. Our fears are most profound in this regard, and we have reason to suspect the industry. The history of industry stonewalling on cancer claims from the uranium and gold mines, the sordid history of the asbestos mines, the mills and the smelters in Sudbury and elsewhere are an indication to us that we must forever be vigilant and not accept the claims of industry that there is no relationship between particular illnesses and deaths in our mines.

I understand very well the class-based discrimination of the Workers' Compensation Board, of the industry and of the previous government, I might add, but it must stop. We must treat the question of illnesses in our mines more seriously because, as I say, they outnumber deaths due to injuries.

If I could be so ideological for a moment, there is no better evidence of the relative power of capital versus labour than issues surrounding the compensation of injured workers in this province. Before industrial diseases can be recognized by the WCB as compensable, an agonizing amount of evidence must be assembled in order to remove any hint of doubt that a relationship exists between the worker's employment and his or her disease. It would be nice to live and work in a civilized jurisdiction where the health and safety of working people always came before the return on investment, arguments that capital always makes.

The final recommendation of our report calls on the government to study further occupational illnesses and diseases of miners. That can and should be done. The minister's response in that regard was defensive and noncommittal. The biggest step forward would be the announcement of this government that Ontario is going to implement a universal sickness and accident compensation scheme for all Ontario residents. How can we know, when a gold miner, a



uranium miner, a smelter worker or an asbestos worker dies of cancer, what caused that cancer? How do we know that? Other people die from cancer as well, but because they work in those industries, then we assume that was the cause of it.

People who have never set foot in a polluted workplace die of the same kinds of cancer. Only when the evidence is overwhelming—and that means that the body count becomes socially unacceptable—only then is that disease recognized as compensable for the purpose of disability pensions and survivors' benefits.

We must move to a system in which all citizens are compensated for illness and disability, regardless of the cause of that disability or where it occurred. Employers, of course, would still pay their fair share, but they would not be the ones who decided what their fair share was. Right now, the WCB, which is, let's face it, the hit organization for the industry, decides who gets compensation. That is who decides. It is hardly in its interest to be generous. What we are saying is that under a comprehensive system, the system itself would decide what was fair, not the people who have to pay out the bucks. We can hardly expect fairness under that system.

What conceivable logical argument could there be for providing two dramatically different levels of compensation for people with two identical disabilities? You could have one person in a wheelchair because of multiple sclerosis and another person in a wheelchair because he got injured in the mine and they get totally different incomes. What logic is there, what morality is there to that? I put to members that there is none. It is just because that is the way the system has evolved. It does not make it right, and it is time for us to move to a new concept of disability insurance. We must end this illogical, antiquated, discriminatory and cruel distinction in how we compensate people who are injured and ill.

In conclusion, I urge the Minister of Labour (Mr. Sorbara) to show some leadership and to get on with implementing the recommendations of our report, a report unanimously supported by all members representing all three political parties, to return a sense of unity or utility to the committee system here at Queen's Park, accept our recommendations and take the necessary legislative action to implement them.

**Mrs. Marland:** Mr. Speaker, may I at the outset take this opportunity to wish you and the members of the Legislature the best for 1989, in terms of health and happiness personally with their families.

In rising to speak in this debate on the motion for adoption of the recommendations contained in the Report on Accidents and Fatalities in Ontario Mines of the standing committee on resources development, I would like to say that this was one of the most interesting committees, as we dealt with this very complex, serious and earnest subject, that I have had the privilege of serving on in my four years as a member of this Legislature. I also would like to say that I feel that there should be a very strong commendation of the chairman, the member for Nickel Belt.

I think that all the members of the committee would agree that the reason this committee worked so well and was so successful in producing this very comprehensive and extensive report was that we did work together as a team. We were committed to the task before us. Certainly, I think it is fair to say that none of us was a mining specialist. I think it is also fair to say that perhaps the majority of us had never been down a mine prior to serving on this committee.

The experiences were very educational. We did not attempt to become instant experts. We listened very carefully to the depositions that came before the committee here at Queen's Park before we hit the highways and byways of this province and visited, I think, some 17 mines. Certainly, the cross-section of the types of mines we visited impressed even the Ontario Mining Association, because we were down every type of mining operation from uranium, iron and nickel to salt and gypsum. Some mines we walked into, some mines we went down 5,000 feet, a little scary experience the first time you do it.

The member for Wentworth East, the member for Etobicoke-Lakeshore and I myself were made well aware by the oldtime miners that women did not used to be allowed in mines at all; there was quite a superstition about women being underground. I think we managed to reassure those oldtime miners that we were there out of a sincere commitment to learn as much as we could in the best interests of those people who work in those mines.

I have to tell members that every time I came back above ground, I said to my colleagues on the committee, "I don't care what those miners are paid, they are not paid enough to work in that absolutely hostile, foreign environment." To go underground and mine, you have to be a very special kind of individual whose psyche can cope with that. Quite frankly, I think all of us were always very relieved when we came above ground again and felt the assurance and the safety



of being back in a normal environment and not one where at any time, it has to be realized, those workers underground are at risk. Because they are at risk, the mandate of this committee was to bring forth as many recommendations as it could at least to reduce the amount of risk that the 40,000-odd miners in this province face every day as part of their job.

#### 1650

The report itself, as I have said, is very comprehensive, and my colleague the chairman, the member for Nickel Belt, has just addressed some of the areas from his perspective. I notice that his perspective is a little more partisan, shall I say, than it was during the hearings, which I also respect totally. I would not expect him to come in here and not serve his responsibility to the people he represents, and I must say that there are a lot more mines in the riding of Nickel Belt than there are in Mississauga South. Nevertheless, I think it speaks of the makeup of this committee that people without mines in their riding, without any knowledge of the mining industry, can go and spend several months, as we did, and come out doing a better job of representing the people for whom all of us share the responsibility in this Legislature of making recommendations; we do it far more effectively because we had the opportunity that we did have on this committee.

If I had to single out one really impressive item that had a tremendous impact on me, it was the very fact that miners in most of those mining operations work with minimal lighting. I know that this is a very strong recommendation of the committee report. The fact is that if you have such minimal lighting, other than the sound of listening to what is happening on those rock faces, you cannot even have the benefit of seeing what might be developing as a problem. When you walk to the end of those stopes at the end of the drifts—we had a study in terminology during the course of the hearings as well—quite often the only light, as was said a few moments ago, is the miner's lamp on his hat; if a problem develops and the miner is actually then on the ground, that is where the light is.

There are some large pieces of equipment that do have large floodlights as part of them, but when these people are doing other procedures as part of their mining operation, whether it is in fact scaling and bolting or just simply moving through the mine itself, there are miles and miles that they walk every day to where they are going to be working and the only light is the light on their hats. That is one of the reasons we felt so

strongly about the necessity for auxiliary lighting.

Those of us who stood underneath scaling operations and watched them chipping away at the loose scale and then bolting to secure the rock face that was above us certainly learned very quickly that any additional protection, such as the wire mesh, around those rock faces is something that just has to be mandatory and extended more than it is currently.

Yes, we did look at the bonus system. I think it would be fair to say that all of us on the committee going into those hearings, when we first started to discuss the bonus system, thought, "That is something that is going to have to go," because obviously, if people are only working under pressure to produce, to earn more money, then the care with which they work has to be forfeited.

At the end of our review of this subject, we felt the internal responsibility system overrode some of the perils we thought might have been in the bonus system itself. Those miners know they work as a team, they know they are responsible for each other, and if they are well trained and refresher training is part of their ongoing program, then they do not develop a system where they are going to go through shortcuts in order to produce their volumes and earn their bonuses. In fact, I think the bonus system is only equitable for those people who do work extremely hard and, as I said at the outset, under very bad circumstances in terms of a foreign environment, a hostile environment.

One of the things that we looked at too was the level of illiteracy, whether people go into this occupation with minimal education and perhaps for them with a level of illiteracy they might not have had they gone further with their education. You think, "How does that affect this operation?" It does affect safety very keenly, because it affects their ability to read the training manuals and really comprehend in a meaningful way what those manuals are saying to them. Therefore, we felt some of the presentation of the training manuals should be more graphic and more simply expressed in terms of language so that if you had a grade 9 education, you would not have difficulty in understanding what it was the manual was telling you to do in order to be a safe miner.

One of the other very serious areas for all of us was the definition of an accident. It seems that when accidents occur, there is a whole gamut of ways of reporting. When do you write up this kind of accident versus that kind of accident? The



fact that there really was not a clear definition of an accident which had to be reported in writing was something that astounded all of us. We felt there had to be a very clear definition in order to prove definitely that this categorizes an accident and therefore we would have consistent reporting.

The Ministry of Labour, in response to our recommendation on that, said it was prepared to "participate in the development of a standardized criteria for the reporting of accidents." I would think "a standardized criteria" does mean definitions, so I do not quite know why the Ministry of Labour was shying away a little from wanting to have clearer definitions.

One of our recommendations too was that the chief executive officer should assume responsibility for the fail-safe concept in mine design, mining equipment and production procedures. The response of the ministry was that the Mines Accident Prevention Association of Ontario and the Ontario Mining Association are the appropriate organizations to jointly encourage CEOs to adopt the use of fail-safe designs at mines. Certainly that is part of it, but my feeling is that the Ministry of Labour has to have a role in this. After all, the Ministry of Labour is there to protect the miners.

Also, when we recommended that the guide to the Occupational Health and Safety Act should be more widely distributed among workers in the mining industry, we were amazed how these kinds of materials were not literally in everybody's lunchpail; they were something the inspectors and the administration had, but we were not convinced they were something the man in the shaft actually working in the mine had.

**1700**

The Ministry of Labour has said that it is an organization responsible for the distribution of information directly pertaining to health and safety legislation and the mining health and safety branch will make explanatory information on the act more available to workers by distributing these publications to the mining sector so that copies are posted and made available to workers on request. I think what this begs is, how many workers urgently request copies? Is this a method of quietly limiting the distribution? The point is that they have to be widely distributed. Everybody has to have one. I do not think it should be dealt with on a request basis.

We also discussed the common core program. The ministry said it is questionable whether the entire common core program should be covered

before the worker is allowed to begin work. The common core program is the basic training program for that miner before he goes underground. We felt that should be a requirement. The decision as to the frequency of refresher training should rest with the individual employer. This is what the mining health and safety branch is saying. What we are saying is no, it cannot rest with the individual employer; it has to be mandated. Refresher courses have to be mandated, just the same as the entire common core program, prior to going to begin work underground, must be mandated. I think we could have too much spinning off to the private sector.

One of our recommendations was that worker safety representatives who are adequately trained in the act and regulations should be empowered by statute to order a halt to any specific operation that they believe is unsafe and may put workers at risk. The response of the ministry to this recommendation was that there are mechanisms currently available to workers for protecting their safety in the event that the internal responsibility system fails to resolve their concerns; these include the right to refuse work.

One thing we certainly heard was that if the employer felt that an individual was crying wolf and that particular employee became a bit of a problem, there are ways for the employer to dismiss a chronic complainer. We are not saying there are not some chronic complainers, but what we are saying is that if we are really going to protect those workers, they are the ones who are down there. They are the ones who see the condition in which they are working and only they are the ones who know whether that condition is unsafe. It may have become unsafe two minutes ago because of some condition in the ore body that surrounds them. Those are the people who have to address those concerns.

This is a tremendously interesting report. I recognize there are other people who wish to speak to it. I do have other points that I would like to have addressed, but with respect to my other colleagues in the House who want to speak on this important subject, I think I will close just by saying that the internal responsibility system has to be the basic pivot around which mining safety has to work, because those are the workers. Those are the people who are down there. They are the ones who are responsible for each other. It is fine to have a management system. It is fine to have a ministry. It is fine to have other people above ground who have all kinds of theories and systems. But the only system that works for those



miners underground, when they are working in that hostile, unnatural environment, is the internal responsibility system, and that cannot be reinforced enough.

We are concerned about the number of inspectors and we are wondering how mining safety can be improved unless the ministry is seriously ready and willing to hire enough mining inspectors to deal with the kinds of realistic inspections that will result in safety. We also want to look very closely at remote sites such as the ones that are faced by the diamond drill operators.

In closing, I know that I have to tell members that when we talked about ergonomics—and I am sure the member for Essex-Kent will address his concerns; he was continually asking excellent questions about ergonomics and the design of the equipment that these people use. I want to tell members that I had never seen a scooptram, and after I saw it and saw this awful little seat and the conditions under which that driver sits for six, seven or eight hours at a time, with his head ducked down because he has the top of the drift above his head, and he is driving this scooptram at very high speed with very heavy loads, it is a massive piece of equipment, and how he endures that particular ordeal is certainly beyond me.

I know we were all very impressed with the fact that there has got to be improved equipment for these people to use in order that they have something left of their bodies when they come to retire, because the shattering and the shaking and the vibration that those bodies go through while they are operating some of that equipment is tremendous.

Certainly the other question of occupational illness and disease as a result of mining underground is also a terribly critical area that has to be addressed.

We look forward to the recommendations of this report being adopted by the government and the government giving direction to its ministry in order that mining safety can be improved in this province and that those people who have to work underground, in order that the rest of us benefit from the ore that they mine and all the uses and the applications that we have and enjoy in the 20th century, are not put at risk while they are doing their job.

In closing, I do want again to thank my colleagues on that committee for a very positive and enjoyable experience while being most productive and educational.

**Mr. McGuigan:** I thank the member for Mississauga South for her kind remarks.

Like all members, I found it a great experience to be on this committee. I would say that in my almost 12 years in this chamber, I look upon this particular committee as probably the most rewarding in terms of personal satisfaction in getting a job done. As has been mentioned by other members, throughout this there was very little partisanship that we all take as part of this chamber, because I think we all realized we were dealing with people's lives, we were dealing with their health and with their safety and with their industry.

I commend the chairman of our committee, the member for Nickel Belt, for his sensitive handling of that, but I have to register that I do not quite agree with some of his remarks here this afternoon in that when we talked to the miners themselves and when we talked to the mill owners and people in the community—and I must say I certainly got the feeling that these people were all talking freely in all respects; every one of them was forthright and free in his exchange of opinions—we were not really getting that ideological split between socialism and capitalism that perhaps was a factor in times past and that was a factor in those disease situations.

1710

**Hon. Mr. Conway:** The member for Nickel Belt, good fellow though he is, is a hopeless captive of that ideology from which there is just no removing him.

**Mr. McGuigan:** Well, we are working on him and we have made quite a bit of progress, I would say. But I do not completely agree with some of his remarks here this afternoon, although I personally have a very high regard for that member.

**Hon. Mr. Conway:** I hear he is dangerously charming.

**Mr. McGuigan:** Yes. He is a very good chairman, too.

The member for Mississauga South mentioned my concern about agronomics. Throughout the whole exercise I, as a person from a farm community and being a farmer, related a lot of the things I saw to operations on the farm—which, incidentally, on a per capita basis, is more dangerous than mining. But one of the things we have done in agriculture is that we have spent a lot of money and put a lot of effort into making these big machines more comfortable.

The trucking industry and the bus industry have done the same thing. Looking at the seats found in a modern highway transport truck or in a combine or tractor, one will find that those seats



have been scientifically designed. They cost \$2,000 and \$3,000 apiece. They do not let money stand in the way of making comfortable seats that are going to have an effect upon a person's health.

One thing one could not help but observe in the mining equipment is that it is very compact and the engineers would have difficulty if they required space; movable seats, adjustable seats and actually shock-absorbing seats do require quite a bit more space. But I am sure that with a bit of effort and some concern, that could be done.

One of the things we agreed upon—and it is not surprising—is the internal responsibility system. We recognize that it has some controversy about it. But I was quite pleased; before Christmas I attended the reception by the Ontario Mining Association here in Toronto.

I was told by a number of people there that the IRS has in recent weeks caught on among the miners and in the mining community. I might be a bit presumptuous, but I would like to think that it had something to do with this report because, as the chairman has mentioned, we put a lot of emphasis in this report—and I claim some credit for this—on putting responsibility on the chief executive officer; that it is not enough to have a vice-president or an official further down the line in charge of safety matters, because in any bureaucracy, whether it is government bureaucracy or the bureaucracy within a company, the middle managers are in a very difficult position because they find themselves at times having to make policy decisions not knowing whether the person at the top is going to back up that policy decision.

I think there is a built-in aversion for those who make bold decisions: they tend to be a bit conservative, in the nonpolitical sense, in making those decisions, whereas the person at the top has that authority and can make those decisions.

I think that through this report we took away that old stigma that may have been part of the past, part of that old ideological system that when an accident happened it was always the workers who were at fault. We took that away, and it seems to me that by doing so we may have assisted in clearing the atmosphere in that regard.

Also, another thing that I was impressed with, talking to the mining executives, was that none of them criticized our report, and this is a bold, far-reaching report. I believe it goes beyond anything that has been done in the past. It makes very strong, very bold recommendations. I

would have thought the mining executives would have criticized us, and they did not.

We sensed in the deliberations that there is a recognition on all parts that safety pays. It pays in the pure economic sense and it pays in the social sense, in having a cohesive workforce, in encouraging people to stay within the industry, in encouraging new people to come into the industry and in having stability and a peaceful atmosphere within the community in which they work.

We all recognize that mining communities are unique. They are not as diverse in their occupations and in their outlooks as communities in southern Ontario. Wherever we went we had the feeling that the managers and the heads of the companies endorsed safety and were not holding back in trying to do everything they could to promote it. I make that observation, that this has not brought about a backlash.

As has been mentioned, in respect to the causes of mining accidents we found that the committee received considerable comment on accident statistics in the mining sector and compared these figures to those in other industries in Ontario.

I might just mention that I think when most of us came on to this committee, having had no or very little previous experience in mines, it probably conjured up in our minds one of those old Walter Pidgeon movies, *How Green Was My Valley*, and the coal mines in Great Britain or in eastern Canada and the frequency of cave-ins and explosions and so on that contributed to the deaths of the miners.

But I found it rather interesting and surprising that the number of people who are killed by rockfalls was actually that low a percentage. You have to be very careful in talking about percentages and people, because it is individuals who are involved, but I was pleasantly surprised that rockfalls contribute to about only 22 per cent, whereas we commonly think of a mine as a place where there are constant cave-ins.

The rest of the wide list of reasons perhaps have to do with the hostile atmosphere of a mine, perhaps the less lighting that we have there and the conditions under which they work. But they are also situations that exist in forestry, in mining, in construction and even in agriculture.

We found that the lost-time accidents have declined over the last six years. The injury frequency rate, which is based on the number of lost-time accidents per 100 mining employees, has also decreased by approximately 20 per cent over the same period, giving mining the fourth-



best ranking among the nine industry associations in Ontario.

However, the committee discovered that in terms of accident severity or average duration on compensation, the mining industry has the highest severity rate of any industry in the province. I think that is understandable when you look at the work they were doing. One of the ones I found the most baffling and the hardest to deal with was the question of the people who were working on scaling, getting the loose rock off the walls and the—we would say “ceiling,” they call it the “back,” getting the rock off those.

In the soft-rock mining, in the salt, they have a big machine that sort of looks like a dinosaur with a huge beak. The operator is standing here and the beak is back up on the gallery someplace, scraping along the ceilings, so that the operator is a long distance from where the action is taken. The problem hardrock mining is to have a machine that can actually operate with very hard, granite rock and can feel out the fissures and the cracks that are so necessary to pull that loose material down.

1720

On top of that, you can well imagine what it is like for the person working there with a scaling bar, which is the alternative to this dinosaur-looking piece of equipment. When he starts pulling on a piece of rock, I would think that he would exert a certain amount of energy and a certain amount of risk beyond which he could scarcely stop. The person prying on that rock is trying to make a mental decision of whether he is going to bring down the whole roof, or thousands of tons or hundreds of tons, or whether he is going to bring off a piece that is only 400 or 500 pounds. To a certain extent in my mind I could see these people sort of reaching a point of no return: Do you stop prying on this thing and make the decision that it is not going to fall, or do you put a little more effort into it and it will fall? And, of course, the chance is that it will fall upon the person.

These people have a tremendous responsibility because on them depends the safety of all the people who are travelling later on within those galleries in the mine. You have to take your hat off to and marvel at these wonderful people. I have to make that comment about all of the miners; they are such great, solid people. I sensed that because I have worked all of my life with working crews. I credit myself at least with having an eye for recognizing great people, and I would have to say that about all the miners that we met. Certainly your heart goes out to those

people who are doing the scaling; it is sort of in the same range, I guess, in military terms as the person who walks through with a mine detector, clearing the way for the other people.

The fact that a person can only stand that type of work when he is young and muscular and can stand up to the physical rigours of the job certainly makes that a very difficult area to deal with. If we could have pulled out of a hat someplace, regardless of the money involved, some machine that would take over that person's job, every one of us on the committee would have recommended it. In fact, we did recommend that all efforts be made towards mechanizing that job. But, as one person who has worked in a practical sense, I recognize that it may not be as easy as all that to solve.

Mr. Speaker, others want to speak on this question, and I could go on quite a bit longer, but I just want to finish by saying how dependent all of us are in Ontario on those people who work in mines, in forestry, in the construction industries and in farming where, in spite of everything that we do and in spite of all of our best intentions, things do happen. It is up to this committee and this government to adopt as many of these recommendations as we possibly can and to make our workplace in the mines much safer.

Just in conclusion, I have no hesitation whatsoever in standing personally behind every recommendation that we made in this extensive review. I hope over the next few months and years we will see most, if not all, of it adopted.

**Mr. Wiseman:** I would like to say a few words regarding our report on fatal accidents in the mining industry and to say that I enjoyed being on this committee, having never been down in a mine in my life. On the role that our chairman played in this, I think the member for Nickel Belt is to be congratulated, as everyone else prior to my speaking has said as well.

As I said, I never thought I would ever be down in a mine. I can relate and will always relate to the first trip we had down, and the last trip. On the first trip, we were in a gypsum mine. That goes into making Gyproc. When I saw the machine that we were to ride down in, being scared of being underground, if it had not been that we had three ladies on the trip with us and I did not want to show them and some of the other people who were there that I was afraid—when we came up for lunch that day, I was not sure whether I could consume any lunch or not. As time went on, I guess my stomach and one thing and another adjusted to it.



If I had my druthers on the mines we visited, I think I would go for the salt mine. It had very much more clearance above us. As we rode down that track at the first, the gypsum mine, I kept putting my head down maybe further than I needed to, but I felt that the wall was going to hit me at some point.

Another comical little thing that happened that day, as committee members will remember, was that the bus driver walked out of his rubber boots right into that clay. The conditions were less than favourable back there in that particular mine.

I would like to thank and congratulate all the people who came out at the different mining sites to give us the tours and arrange for the tours. They were very good. I think they tried to honestly answer any questions that we had. Also, at the forums that came after we toured the mines and came above ground, whether they were in a hall later on that night or at some other point in the day, as was mentioned before, I thought everyone brought an honest and open discussion to the round table.

I will just mention this briefly and then I will go on to the report. At the last mine that I was in, the chap took a look at three of us—the member for Algoma-Manitoulin, the member for Lake Nipigon and myself—and he said, “You three fellows can come with me.” I am also scared of heights, and with that one little light that they mentioned that was on there, we climbed a ladder about 35 or 40 feet this way, crossed over and went another 35 or 40 feet this way and way up into a hole where this fellow was working all by himself. When he told me how high I had climbed in the dark, I said to him, “Is there another way down?” He said: “No. You have to go down the same way you came up.” Going down was worse, because I knew just how high it was. With the water dripping off the boots and the mud and everything, I was glad to be a politician and not a miner.

We did make a lot of recommendations in this report. As was said before, I hope that many of them are accepted by the government. I would like to mention that as we went around, some mines had a chief executive officer and some mines did not. I think we agreed that all mines should have one. Where they had them, they seemed to work quite well.

The lighting has been mentioned before. We saw examples, as some people said earlier, of where they just had their lamps. I think we all agreed that there would be less chance of accidents where it was illuminated properly.

Like my friend the member for Essex-Kent, I thought that much could be done with the machinery to improve it. There is the constant jar on the person's back, or in some cases, as the member for Mississauga South mentioned, where they have to bend over for a long period of time; I think that was maybe in the gypsum mine. I do not know just how long a person's body could take that. There are proper springs and proper seating and so on to help absorb some of that shock to the spine and the rest of the body.

**1730**

Like some others, I was concerned about the rock and rockbursts. I found, as others did, that some had engineers on rock mechanics. I think it is good where we have said in our report that the firm should send them back for further training along that line.

I was quite impressed with the system they have in the north of detecting rockbursts throughout the north. I believe it was in Timmins they had that; I am not sure, but I was impressed with the system they had that could monitor any rockbursts throughout the north at a couple of different locations.

If members recall, one mine we were in had a mechanical scaler where the people were well back from where the machine was scaling off the roof. It came down, and it was as big as about two or three times the size of the Clerk's table. Had it hit anybody, he would have been a goner about eight to 10 inches deep. It showed, I suggest, as we have in our report here, that they all should have mechanical scalers.

One that I do not think has been mentioned to date is the refuge stations and lunchrooms. Some had those and some did not, but I think it just stands to reason that you should have a place down there with proper facilities in which to eat your lunch, or in case something goes wrong in the mine, so you have a chance to survive a few hours, hopefully, until you are rescued.

With respect to the diamond drillers—I know others want to talk—and the fact that people are isolated with maybe two people way out in the boondocks someplace, or maybe there are more than that such as five or six, with very little to do after work, we found that alcohol and sometimes drugs had become quite a problem. We are recommending in our report that there be some sort of recreation to help those people in their off hours so they do not get into alcohol and drugs, and also that they have an understanding and at least the common core training, that they have some idea, if they are isolated, with one or two on



a rig waiting for a plane to come and get them, about the operation of a radio.

I know everybody is watching the clock because we all have just a few minutes here and we want to finish this debate this afternoon, but again, I think the recommendations that are here are good, sound recommendations.

We have had two or three other reports done, as our chairman has mentioned earlier. Some people have said, "Why another committee coming around asking us much the same questions?" I think we are maybe in a unique situation in that we are legislators, and hopefully, because of the fact we have a unanimous report, the government will listen to our recommendations and act upon them. For those people who said, "What do you people really know about mining?" we told them, "Nothing, but we are good listeners, and hopefully, fast learners, or at least learners, and something will be done if you tell us and explain what the situation is." They told us that, we have it in the report and now it is up to the government to act upon it.

**Mr. Miclash:** I, too, would like to say that I thoroughly enjoyed our tour across the province. As a lot of the members will realize, mining is one of the major activities in my riding. It was kind of nice to end up in the last mine in the riding of Kenora. I, too, would like to comment on the fine leadership shown by the chairman, the member for Nickel Belt, as he led us through many mines and many tours. It was quite an educational experience and a very interesting one.

As members will probably know, historically, serious accidents and fatalities have always been the realities in mining around the world, not necessarily just in Ontario but throughout the entire world. During our travel throughout the province, the committee received a great amount of information about accident statistics in the mining sector and we compared those to other industries in Ontario. As one of the previous speakers mentioned, we noticed that lost-time accidents have declined over the past six years, with a decrease of some 20 per cent in lost-time accidents per 100 employees.

As well, in terms of injury frequency rates, we found out that the mines ranked fourth-best among nine safety associations, behind the pulp and paper, health care and electrical utilities associations. We found them ranking fourth-best in terms of safety. However, we did find that the accident severity or average duration of compensation experience of the mining sector is the worst of all the other industrial sectors.

The committee believed that an overemphasis by the mining industry on reducing lost-time accidents may be distracting the industry from controlling and reducing medical aid injuries. The mining industry has a higher medical aid to lost-time ratio relative to the rest of the province.

The committee also recognized the nature of mining is such that when an accident occurs the consequences are usually more serious than in other industries in general. Some of the speakers have already talked about the various conditions you find down in a mine, some of the scaling operations. Very serious accidents can happen as a result of improper use of equipment and just freak accidents, as I would call them.

We have recommendations in the report for the industry to establish a working group to improve the basis for gathering and reporting accident statistics. An earlier speaker mentioned there was often a lack of definition of what an accident was, and we found this as we travelled throughout the province.

The Ministry of Labour will approach the safety association and request that it take a lead in establishing a working group to develop a system whereby the number and frequency of lost-time and medical aid injuries can be tracked in a consistent manner. It will allow for a more accurate determination of accident trends and result in companies being recognized for their good safety performance. We heard much about many of the mines establishing a good safety record, yet not being recognized for such performance.

In addition to these improvements, the ministry has had a key role in the establishment of a national database on mining accidents. A computerized database has been developed through the efforts of the Association of Chief Inspectors in Mines from the various provinces. Accidents from both Ontario and British Columbia have been inputted into this database and we have Quebec agreeing to modify its system so it can also take part in this database.

We see a tremendous amount of important work being done to identify the causes of serious injury in the mining sector and to determine how this can be prevented.

There is also an enormous concern about fatalities in the mining workplace. During the last two years, there have been 31 mining deaths in Ontario; 19 of them were last year with 12 in the previous year. We have a number of initiatives that have been taken to arrest this disturbing trend.



We take a look at labour, management and the safety association as working together with the ministry on four initiatives to combat the fatality problem.

First, the Mines Accident Prevention Association of Ontario has had its staff trained to be trainers in fail-safe analysis. Training sessions for employees from Ontario mines are presently under way. A research consultant analysed mining accidents that resulted in fatalities and found that workers transferred to a new job within 12 months and contractors have a disproportionate share of fatalities. As well, we see that steps are being taken to address these.

1740

At the present time, the ministry's mining health and safety branch is developing a program to target more of the branch's resources on these contractors, where we found a lot of the accidents were taking place. The branch has recently held an intensive two-day session with labour and industry to develop the internal responsibility system and evaluation package. A draft of this package should be ready for distribution later this month with a view to making the internal responsibility system more effective in preventing the accidents we talk about.

The final report of a pilot study to determine the effect of attitudes on accidents is nearing completion. The report suggests ways to make safety programs more effective within our mines.

As I mentioned earlier, Ontario has taken a lead role in the development of a national fatalities database with the chief inspectors of mines from across Canada. We are proud of the role the province has taken in this area. In addition, the branch has established an internal task force to develop strategies for improving the safety performance of our contractors.

As a result, four initiatives have been identified. They include targeting contractors for additional inspections, particularly when they are working from heights. We found this was a particular hazard in the mining area, as was mentioned earlier by a member. With the industry's engineers we are looking for a better design of the work platforms, to improve their design criteria.

As well, we must look at the communication with the contractors I spoke about regarding their overall poor safety record and the high number of fatalities. Finally, there is a review of contractors' training programs as part of the branch's inspection activities.

At this time, the branch has a pilot project in Sudbury, at all the Sudbury mining operations,

where orders are being issued to the specific contraveners, be they workers, supervisors or employers. The goal is to have all parties in the workplace knowledgeable as to their duties and accountabilities, in order to improve the internal responsibility system.

The reduction of the incidence of fatalities in the mining sector requires the ongoing efforts of all the stakeholders, in particular labour, industry and government. Several years will be required before improvement in fatal accident statistics becomes evident. In the interim, each specific fatality is investigated in order to determine the cause and any required preventive action.

In wrapping up, I would just like to say that I very much enjoyed our trip across the province and our meetings with management, labour and the Ontario Mining Association. Again, I found it a very educational and most worthwhile experience.

**Mrs. Sullivan:** I am pleased to take part in this debate today and to add my commendations to the standing committee for the fine work it has done on the mining safety question. As well, I would like to commend the work of the chairman, who has already been recognized by members who participated in the committee, for his leadership in his chair duties.

As we know, Ontario has had one of the world's outstanding mining sectors for many decades. By international measure, our mining sector has been innovative, productive and competitive. Indeed, some of the technological innovations in Ontario's mining industry, which have increased productivity and competitiveness, have also enhanced health and safety.

Nevertheless, Ontario has had its grim share of mining illness, injury and death. The province has responded to that difficult reality thoroughly and actively. This committee's report, as has been pointed out by the chairman and other speakers, marks the fourth major look at mining health and safety since 1974. I am assured by the minister that the implementation of its recommendations will be determined and conscientious. In fact, that implementation is well under way.

Last November 24, the Minister of Labour tabled in this assembly the ministry's response to the standing committee's report. It describes how the ministry is promoting action by various responsible stakeholders in the mining sector. It also points to the action that is being taken and will be taken on the recommendations that are the responsibility of the ministry itself.



The report makes four recommendations about the ministry's mining health and safety branch. First, it recommends that the branch have additional resources to maintain enough trained inspectors so there can be a sustained presence in the workplace, given the current levels of mining activity. Like other programs in the ministry, the resource requirements for the MHSB are under constant review and the committee's recommendations will be taken into account in that review.

In some instances, existing resources can be better utilized by targeting issues specific to a client. The ministry is certainly aware of the pressures on the branch resulting from the increased mining activity and will take action to ensure there is proper coverage of the mining sector.

Second, the report recommends the ministry be more responsive to the concerns of the MHSB inspectors as they pertain to possible changes to the act and regulations and to ensure that the inspectors' input is passed on to the Mining Legislative Review Committee for consideration. The MHSB encourages staff to propose improvements to the regulations.

In 1986, an internal regulation review committee was struck to review proposals for changes to regulations that were submitted from branch staff. The regulation review committee made recommendations to the chief engineers of the MHSB, who in turn presented them, where appropriate, to the Mining Legislative Review Committee. The branch's regulation review committee is now being split into subcommittees reflecting the three disciplines of mining, electrical-mechanical and working environment. This restructuring, we believe, will provide for broader input from field staff and quicker action on proposed amendments.

Third, the standing committee's report recommends that the MHSB, by streamlining internal procedures, shorten the period of time between the laying of charges and the commission of an offence. In addition, penalties and fines for contravention of the act and regulations should be increased.

The MHSB is quite sensitive to the time delays associated with prosecution decisions and is working to shorten the time period between the laying of charges and an offence. As one step, it has introduced a computerized prosecution tracking system, which will help overcome these delays. Also, in the past two years, it should be noted that the legal branch staff complement has been increased by nine people.

The act currently stipulates that a corporation convicted of an offence under the act is liable to a fine of not more than \$25,000. Consideration is now being given to an increase in the penalties and fines for contravening the legislation.

In addition to recommending changes in the mining branch, the standing committee's report also recommends regulatory changes in fall-on protection systems, mine lighting, underground communications, refuge stations, lunchrooms and first aid.

The ministry has referred all of these recommendations for legislative changes to the Mining Legislative Review Committee. The MLRC consists of eight appointees, four each from labour and management, and it advises the Minister of Labour on all changes to the mining regulations. It has already begun deliberations on amending the mining regulations.

As members know and several have mentioned today, the active interest and involvement of the chief executive officer of an organization can have a powerful impact on corporate health and safety performance. The standing committee has recommended that the CEO of each mining company in Ontario personally review reports of each accident and fatality and, once a year, affirm in writing that this review has been conducted. Copies of this statement should be made available to the joint health and safety committees of the company.

The appropriate body to take the lead role in encouraging company CEOs to review accident and fatality reports from their mines is the Ontario Mining Association. The Ontario Ministry of Labour will meet with the OMA and discuss this recommendation further with it.

The MHSB, I should point out, also believes the activities of CEOs personally monitoring the overall safety performance of their companies, by reviewing all reports of serious accidents and fatalities and communicating their personal assessment, is tremendously important. The branch itself currently monitors the safety performance of companies by analysing accident statistics and trends.

When a company shows substandard safety performances, a senior mining health and safety branch staff person, usually the director, arranges a meeting with the chief executive officer to suggest ways in which the safety performance of the company can be improved and to solicit the support and commitment of the CEO to initiate that improvement. In addition, the role of the CEO in safety in the workplace is being considered as amendments to the Occupational



Health and Safety Act that are now being developed.

**1750**

The standing committee has also recommended that the CEO should assume responsibility for the fail-safe concept in mine design, mining equipment and production procedures. MAPAO and the OMA are the appropriate organizations, we think, to jointly encourage CEOs to adopt the use of fail-safe designs at mines. In fact, MAPAO is the source for training workplace parties in the application of fail-safe principles in mine design, design of mining equipment and production procedures. MAPAO has had some of its staff trained to be fail-safe trainers and has begun the training process in Ontario. The MHSB will have its engineers trained in fail-safe principles. Mining companies are required to submit information about major alterations to branch engineers who will audit those for the application of fail-safe principles where deemed appropriate.

In another area, the standing committee has made a number of important recommendations on training and the internal responsibility system. To understand their rights and responsibilities under the legislation and to function properly as members of the internal responsibility system, it recommends that workers should receive more comprehensive training in the act and regulations within the first year of employment under the umbrella of a common core training and receive regular refresher courses.

The current legislation sets up the basis for the internal responsibility system. The minister has indicated that in the amendments to the act now under consideration, the thrust will be to improve the IRS by broadening the role of the joint health and safety committees and by enabling the Minister of Labour to prescribe occupational health and safety training programs, including training on the legislation.

It is important that workers be given comprehensive training in the act and regulations under the umbrella of the common core program. The MHSB believes that the tripartite Committee on Mining Training should consider incorporating or expanding training in the legislation into the common core program. Since the MHSB is represented on this committee, the branch will ensure that these recommendations are discussed by that group.

In connection with high-risk personnel such as diamond drillers and employees of mining contractors, the standing committee has recommended that new workers in these operations

should receive safety training modelled on the common core before they begin their job and receive refresher courses at regular intervals. The diamond drill contractors are now working with the Committee on Mining Training to develop a common core program for surface and underground diamond drillers. Once developed, this training would be incorporated into section 10 of the regulations. Mining contractors are already required to take the basic common core program within the first year of employment.

Let me turn to the standing committee's work on joint health and safety committees. In response to these recommendations which have been described at length earlier in this debate, it is the view of the ministry that mine management should take the responsibility for ensuring that there is proper action and response to the recommendations of the JHSC. A timely response from management to the recommendations of the JHSC is a necessary part of creating trust and open communication between the workplace parties. This is an integral component of a functioning IRS.

MHSB inspectors have, for many years, audited the minutes of the JHSC meetings as part of their regular inspection duties. They will continue to do so. In addition, before the start of all formal inspections, MHSB inspectors review outstanding concerns with the worker representative. Their recommendations and concerns are dealt with by the inspector as a part of the inspection. Consideration is now being given in future amendments to the act to include a provision requiring the employer to respond in writing to recommendations made by the JHSC.

In so far as worker safety representatives are concerned, the report makes four recommendations regarding mandatory full-time worker representatives having authority to stop unsafe work and having other responsibilities if developed in a tripartite manner.

The act now requires that a health and safety representative inspect the workplace not more than once a month. Consideration is being given to amending the act to broaden the power of worker safety representatives, to inspect the workplace and to increase the frequency of inspections by the worker safety representatives.

The matter of legislated worker inspectors was discussed during a meeting of the legislative review committee last September. The committee agreed to prepare draft regulations for the provision of worker safety representatives at mines.

The development of general guidelines respecting rules and responsibilities of worker safety representatives will be made by the Ministry of Labour following consultation with the mining legislative review committee.

With respect to MAPAO, the standing committee report makes four recommendations designed to strengthen MAPAO's role and broaden the coverage of its training programs. The ministry understands that MAPAO is implementing the recommendations of the report to the Occupational Health and Safety Education Authority.

The mining branch will, as part of its ongoing program, identify poor performers and target activities to turn around contractors showing poor safety performance. In addition, the mining health and safety branch will refer employers to MAPAO when the resources provided by the association could assist that operation.

The standing committee has also looked at the question of production bonuses, and in that connection has made two recommendations. The MHSB, MAPAO and the tripartite mining fatalities committee have been proposed as the appropriate bodies to pursue four initiatives suggested by the MHSB in the report entitled *Bonus Accidents: A Study*. This report was prepared by the branch and was tabled with the mining fatalities committee at its meeting on May 20, 1988.

It should be noted that some Ontario mining operations are trying a bonus scheme which incorporates a safety component already. Their safety performance will be reviewed by the ministry after a suitable period of time with experience.

The MHSB will continue to analyse whether bonus was a causative factor as part of all fatal and critical investigations and will request MAPAO to periodically publish accident trend statistics for workers performing similar work under different bonus incentive schemes.

Upon completion of the Laval study into bonus systems, the MHSB will review the findings and will bring the results of the study, if appropriate, to the attention of the mining fatalities committee or the mining legislative review committee.

Finally, with respect to occupational illness and disease, the standing committee recommends that the government should continue to study the occupational illness and disease concerns of miners with the assistance of competent professionals, in order to establish appropriate diagnostic and intervention strategies designed to prevent a recurrence of past problems.

The government has carried out several studies into health-related matters in the mining sector. These studies have helped to ensure that Ontario miners are protected by appropriate workplace environmental standards.

The most recent has been the two-phased Muller study which resulted in substantial changes to workers' compensation for gold miners and investigations to ascertain the causes. An extension of the Muller study is under way to determine any ongoing health problems being experienced by gold miners. The test group for this study will include gold miners employed in the mining sector during the period from 1977 to 1987.

To sum up, much is being done to implement the recommendations of the standing committee. I know that honourable members will join me in expressing our wish and confidence that the committee's work and the initiatives flowing from it will indeed increase safety for workplace health in Ontario's miners.

I know that many of the members of the committee were reviewing the mine safety issues for the first time in their lives, let alone in their legislative careers. They should be congratulated for an incisive, competent and complete report.

Motion agreed to.

The House adjourned at 6 p.m.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

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\*The alphabetical list of members appears in each issue. The other lists, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**  
Wednesday, January 4, 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



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Published by the Legislative Assembly of Ontario  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, January 4, 1989

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### SMOKE DETECTORS

**Mr. McLean:** My statement is directed to the Solicitor General (Mrs. Smith). She will no doubt recall that I asked her on November 22 to establish an educational advisory program to inform the public about the importance of smoke detectors in homes and how these devices can save lives and reduce injuries.

I raised this matter with her following several tragic fires in the Orillia area that resulted in death and serious injuries to occupants of homes that were built prior to the mandatory installation of smoke detectors. I am referring to regulation 67/87 of the Ontario fire code, which requires electrical, hard-wired smoke alarms in all single-family dwellings built since 1976. She will recall that I pointed out that there is no such requirement for homes constructed prior to that.

I urged her to establish an educational advisory program because I felt it would be extremely difficult, if not impossible, to regulate and enforce the retrofit installation of electric or battery-powered smoke detectors in older buildings. Therefore, I urged her to launch an advertising program similar to those used to point out the hazards of drug and alcohol use.

Some of my constituents have told me that they recently saw short television ads of the type I suggested. I would like to commend the Solicitor General and take this opportunity to thank her for following up on my suggestions.

### ONTARIO CHAMBER OF COMMERCE

**Mr. Mahoney:** I would like to bring to the attention of my colleagues the efforts of an outstanding organization that is represented in almost every community in Ontario. This organization is the Ontario Chamber of Commerce, which, since its founding in 1911, has brought together industry and business groups to the forefront of the communities in which they reside.

Working collectively for a common cause, the Ontario Chamber of Commerce now boasts a

membership of over 60,000 businesses. From its early beginnings, the chamber of commerce has been successful in shaping the province's economic structure and in creating change in the political arena. Throughout the years, its influence has fostered a co-operative relationship between the public and private sectors.

I recently met with Jim Carnegie, executive director of the chamber, and we discussed many issues, including the Computerized Ontario Investment Network, known as COIN. Launched in November 1986 with the assistance of the Ministry of Industry, Trade and Technology, COIN is a computerized information network run by the chamber of commerce through its 160 local offices across the province. It is the first large-scale, community-based electronic matching service in Canada. It has brought together hundreds of entrepreneurs looking for equity capital and investors looking for places to invest their capital.

As the small business advocate, I am delighted that COIN is helping many small businesses in Ontario succeed that might have otherwise failed due to lack of equity capital. As a member of this House, I look forward to continuing the working relationship with the Ontario Chamber of Commerce.

### AUTOMOBILE INSURANCE

**Mr. Hampton:** It has now been little over a month since the Ontario Automobile Insurance Board announced that it thought that Ontarians could afford increases in insurance rates from 35 to 40 per cent, as it initially stated.

**Hon. R. F. Nixon:** Stop propping that straw man up.

**Mr. Hampton:** I think it is only appropriate at this time to repeat a little history, particularly for the honourable member directly opposite me on the front bench.

It is interesting if you compare the insurance rates in Ontario and how they have climbed over the last five years with some of the insurance rates in western Canada and how they have climbed over the last four or five years. It is very interesting that the government sometimes wants to refer to one year if the comparison is favourable for it or to compare averages if the



comparison is favourable to it. But the fact stands that no province anywhere in western Canada—British Columbia, Saskatchewan or Manitoba—has proposed an insurance rate hike of 35 to 40 per cent.

For the government to believe and to try to hold the position that consumers in Ontario should pay this, that consumers in Ontario can afford this, is nonsense. The government ought to look again at what it is doing.

### CONSERVATION AUTHORITIES

**Mr. Pollock:** Today I would like to bring to the attention of the House a letter sent to the Minister of Natural Resources (Mr. Kerrio) about our party's concerns with the government's review of conservation authorities, the Bugar report.

In this letter, the leader of our party has asked the Minister of Natural Resources to bring the recommendations of the Bugar report to the public forum for full discussion. We feel that an all-party committee of the Legislature should hold hearings on the report to provide individuals and groups with an opportunity to be heard publicly.

These public hearings and information sessions are urgently required to discuss and explain the implications of the Bugar recommendations and the minister's proposals. We find it appalling that the minister and his ministry have no plans whatsoever to consult meaningfully with the people of Ontario about this critical matter.

On this side of the House we believe Ontario conservation authorities are a true success story. They are one of the flagships of the province's goals for sustainable development. Conservation authorities have been protectors of our natural heritage, they have improved the quality of life in Ontario, they have enhanced environmental awareness and they have protected both lives and property. To tamper with such a successful program in the back rooms of Queen's Park is not acceptable to us or to the people of Ontario.

We trust the Minister of Natural Resources will give full support to this initiative for public hearings on the Bugar recommendations.

### PRODUCT INGREDIENTS

**Mrs. Sullivan:** I would like to take a moment to congratulate a company in my constituency which has followed through on its commitment to list all product ingredients on its labels.

G. D. Searle, now renamed Searle Canada Inc., last August pledged to become the first pharmaceutical firm in Canada to voluntarily list

all nonmedicinal ingredients in its prescription and over-the-counter drugs. With the new year just under way, Searle can boast that all of its major products now carry such labelling and the company's complete line of products will be so labelled by March.

Canadian consumers, especially those who suffer from allergies, will benefit greatly from the convenient availability of such product information. This will be particularly useful to the more than 3.5 million Canadians who have allergies, in particular the 150,000 who are treated annually for adverse reactions to ingredients in drugs and food.

I am hopeful that other drug manufacturers will, in 1989, follow Searle's lead and voluntarily list all nonmedicinal ingredients in their products. Public concern about potential health hazards from allergic reactions is growing and Searle's welcome initiative is a model to be followed.

1340

### ENOSH GASTER

**Mr. Reville:** For 14 years now, my constituents Mr. and Mrs. Gaster have worked very hard to make certain that their son Enosh, who is developmentally handicapped, could live as much like other children as possible. It has not been easy. It has just gotten worse.

Enosh recently began suffering from seizures. These seizures come at any time of the day or night, making it necessary for someone to always be there to watch over Enosh. They have taken turns staying up all night, but because they are both employed, this has put a great strain on their lives and they have hired assistants to care for their son during the night.

The cost of this care, combined with other expenses needed to nurture their son, has caused great financial hardship to the family. They have now exhausted every possible avenue of assistance to solve their problem and they are faced with some very serious decisions regarding their son's future, not the least of which might be having to consider institutionalizing their son. This couple has struggled heroically to keep their son at home. Surely this government must do whatever is necessary to support their efforts.

### AFFORDABLE HOUSING

**Mr. Harris:** This is an appropriate time to take a look at the situation in this province with respect to housing, regarding what has emerged through 1988 and what we can expect for 1989. First, in 1988, the possibility of home ownership



was pushed further out of reach for the vast majority of Ontario residents. House prices continued their upward spiral unchecked, making the price of an average new home in Toronto more than \$250,000.

Despite the minister's rhetoric about affordable housing, it was our own government which pushed land prices yet higher by allowing government land to be sold to developers above the threshold of \$4,000 per linear foot. Analysts say this could mean an increase of as much as \$25,000 to \$40,000 per new home. After ripping off their own \$4,000 a foot for land, supposedly for affordable housing, they have the audacity to suggest the federal government give its land for free.

### STATEMENT BY THE MINISTRY REFUGEE CLAIMANTS

**Hon. Mr. Phillips:** Mr. Speaker, as you know, well over half of the newcomers to Canada choose to come to Ontario. Currently there is in this province a large number of refugee claimants awaiting the determination of their legal status in this country.

While these people wait, they often turn to immigrant settlement service agencies for help. In the recent past, the number of people who have been seeking help has put a severe strain on many of these organizations. Twice in the past, my ministry has supplemented the funding of these organizations. The most recent of that supplementary funding expired at the end of December 1988.

Today I am announcing additional emergency funding to 14 of these agencies in the amount of \$276,000 under a project we call the community projects grants program of my ministry. This special funding will cover the period from January 1989 to March 1990.

I am sure that the members of this House will join me in acknowledging the important work done by the many immigrant settlement service organizations we have in this province. This special funding recognizes the partnership between the government, with agencies such as our own Ontario Welcome House, and the community-based organizations which serve newcomers so well in this province.

### RESPONSES

#### REFUGEE CLAIMANTS

**Mr. Philip:** While we can welcome the fact there is some funding being provided by the minister today, we should look at it in the context

that the \$276,000 is a small amount when funded over a period of two years.

These organizations or these groups are living from hand to mouth, from year to year, without any systematic planning by this government in terms of core funding, in terms of strategic planning and long-term goals. While we can welcome this gift from the minister, one has to say that we hope he will start to look at the overall situation of these groups and develop a long-term plan for funding them.

**Mr. Cousens:** I commend the minister for his efforts to assist immigrants to our country in becoming Canadians and becoming part of our society. In fact, he and I have participated in events in which we have recognized the importance that new Canadians bring to our society, to our culture and to everything that we are. Indeed, when you start talking about the investment that we are making here, it can have long-term ramifications.

The one thing that I am interested in and our party has always had a genuine concern about is, when the government puts money out, we certainly want to get something back. I am always worried that when they are having a program, it might be just to cover more administration or the costs of more overhead of already existing staff and people in this increasingly growing bureaucracy that is the Ontario Liberal government.

I would hope that when the minister is putting out \$276,000, a large proportion of it—in fact all of it—will go to the sources that really need the help, and it is not just added to the bureaucracy that is the David Peterson government. In other words, there has to be some monitoring of the cost, and it is not just a matter of saying, "Hey, here is some money," and throw it against the wall and think it is going to do something. There has to be some supervision to make sure that this is not just window-dressing or some way in which you are continuing to support the bureaucracy that you already have.

I think there is an awful lot more that needs to be done in the form of educating people who are coming into our country so that they become Canadians first. There has to be a real emphasis here that we in Ontario are not the only province, that we are one of a group of provinces that make up this Confederation, so the sooner we begin to encourage people to take an active role in government, in politics and in the community so that they become integrated into what is Canada and Ontario, the better we will be.



I would be glad to give the honourable minister commendation if he could increase his efforts to make this a society in which we increase the respect we have for one another, so that those new people coming into this province will have a sense of really being part of one of the most beautiful places there is to live in the world. I think the minister is in a position to give that kind of leadership. This \$276,000 can lead towards that end. Let's just hope that it really is used in the way the minister has described it now and not frittered away on some of the bureaucratic concerns that seem to be taking so much of the taxpayers' money right now.

## ORAL QUESTIONS

### USE OF HOLLOW-POINT BULLETS

**Mr. B. Rae:** I know that charges were laid today—at least I understand that they were laid today—with respect to the death of Wade Lawson. I might have expected the Attorney General (Mr. Scott) to make a statement in that regard, simply informing the House officially of that fact.

But I do have a question to the Solicitor General. The Solicitor General will no doubt know that I cannot ask and she cannot answer questions dealing with the particular tragic death of Wade Lawson, and I do not intend to put her in that position. I do want to get to the bottom of this question of the use of hollow-point bullets—what she knows about it and how widespread the use of hollow-point bullets has been across the province.

Yesterday I asked the Premier (Mr. Peterson) whether or not he had been able to ascertain from the member for Kingston and The Islands (Mr. Keyes) what was the nature of the report or study done for him about the use of hollow-point bullets across the province when he was Solicitor General. I would now like to ask this Solicitor General whether she has spoken to her colleague from Kingston in order to find out exactly what information there is about the current use and past use of hollow-point bullets in the province.

1350

**Hon. Mrs. Smith:** I would remind the Leader of the Opposition that the Police Act is very clear in its description of what is and what is not permitted by way of both bullets and guns.

Since I became Solicitor General, I have assumed that this was being 100 per cent obeyed. It turns out that there was some discussion some years ago around the issue because the Royal Canadian Mounted Police did indeed change its regulations and allowed hollow-point bullets.

Therefore, it was sent to the usual committee that looks at armaments; I know as a lawyer the member would know of its existence.

They appointed a subcommittee which was going to examine this along with other matters. This subcommittee has not met, as far as I can gather, certainly has made no report and has made no recommendations yet that I am aware of, although I do understand that individuals who sit on this committee have expressed some individual points of view. The committee has made no recommendations and has not yet reported even to the committee to which it reports, let alone to the ministry.

**Mr. B. Rae:** The minister did not answer my question, which is not novel, but it nevertheless deserves comment. I asked her a very specific question. Let me try again.

On Wednesday, December 28, the member for Kingston and The Islands said—and so far as I am aware he has not written to the paper or refuted what he is quoted as saying in the *Toronto Star*: “The former Solicitor General, now MPP for Kingston and The Islands, said finding out the banned bullets were used ‘in regular police work and in target practice’ bothered him. ‘These bullets do quite a number on a person.’” The damage that is caused to a person who is hit by a hollow-point bullet is substantially greater, graver and more serious than the damage that is done by a regular .38 calibre-bullet.

I would like to ask the minister: Has she spoken with her colleague when he says, as a former Solicitor General, that finding out the banned bullets were used in regular police work and in target practice bothered him? What was he talking about? How did he know those bullets were in fact being used? Why was a blind eye being turned to the use of those bullets? Those are very simple questions.

**Mr. Speaker:** It seemed like quite a number of questions.

**Hon. Mrs. Smith:** Indeed, as the Leader of the Opposition points out, the bullets under question do more damage and for this reason the Police Act specifically states the kind of bullets that can be used, and this does not include that particular type of bullet. I do not think there is any argument with that.

The minute I found out there was even any speculation about whether they were being used, I immediately sent out a directive to reinform all police chiefs that they were not to be used, that the regulations specifically said they were not to be used. Because there had been some speculation as to whether they in fact were on occasion

used, I asked for a report back so that I might be reassured that indeed this law is being obeyed as it should be obeyed. As soon as I have this report ready, I will submit it to the House.

**Mr. B. Rae:** I wonder if the minister can answer this question. She herself refers to speculation about the use of this bullet. Can she tell us what speculation she is referring to?

**Hon. Mrs. Smith:** I refer to the article the member read. That is the only speculation I have on this. I prefer to deal with facts, with the officials of my ministry, and will continue to do so.

**Mr. B. Rae:** I have a question for the Premier. I understand from his office that he is going to be delayed for a little while, so I will stand down my second leader's question.

**Mr. Speaker:** Is there agreement to stand down the question?

Agreed to.

**Mr. Brandt:** My question as well is for the Solicitor General with respect to the same matter that has just been discussed. Would the Solicitor General confirm in the House that there has been an advisory body of the Ontario Police Commission studying the use of the hollow-point bullet in this province for the past two years?

**Hon. Mrs. Smith:** There is indeed a committee that examines these matters, as the member knows, on a regular basis. It is always a matter, one might say, of negotiation and speculation between police forces as to which is the appropriate weaponry for them to be allowed to use.

It was in fact because the Royal Canadian Mounted Police had re-examined this issue that it became one which was referred to the committee for discussion, as I already stated. The committee itself then referred it to a subcommittee, which had not reported back during my term of office, and I was not myself aware of the fact that this was being considered. I knew what the regulations stated and assumed that these regulations were not being questioned.

**Mr. Brandt:** The use of the hollow-point bullet in this province is illegal. It is very clearly pointed out in the regulations that this type of ammunition should not be used; the minister has stated that in the House.

Some two years ago, the former Solicitor General indicated that he was aware of the use of the hollow-point bullet in Ontario. Will the minister confirm in this House today that she has evidence at her disposal at the moment—information, not speculation—that this particular

bullet has been used by some police forces over the course of the past two years since the revelations were provided by the former Solicitor General?

**Hon. Mrs. Smith:** No, I have no such information.

**Mr. Brandt:** If the minister has no information with respect to the use of these bullets, she did in fact indicate that she issued a directive to all police forces to cease and desist any use of these bullets.

**Hon. Mrs. Smith:** No, no, no.

**Mr. Brandt:** Well, the minister can clarify that. My understanding was that the minister issued a directive on this particular question indicating that the bullets were not to be used.

Could the minister confirm again that, as a result of two years of study, as a result of this question having been confirmed in the words of the former Solicitor General that he was aware this bullet was being used in some circumstances, she has no knowledge whatever—if that is what she is telling the House, then we have to take her at her word—that this particular ammunition was not being used by any police forces, illegally, in Ontario?

**Hon. Mrs. Smith:** If the member looks, he will see clearly that I sent out a directive reminding them that they were illegal and were not to be used. This is reminding them of a fact that is in the police regulations. There is no reason I can think of that I would be particularly rushing back a report which is recommending their use. I had not received such a report, and until I get such a report, I do not have to consider it. I was quite satisfied with the regulations as they existed, and that was the law.

**Mr. Speaker:** New question, the member for Sarnia.

**Mr. Brandt:** If the minister knew what was going on in her ministry, and I am sure that as the days unfold we will find out more about this question—

**Mr. Speaker:** The question is to which minister?

## HOME CARE

**Mr. Brandt:** My question is to the Minister of Community and Social Services, who is just going for a walk in another direction, and it is with respect to the ongoing matter of concern we have on this side of the House with respect to the funding for the Red Cross.

Yesterday, and I want to quote him accurately, the minister responded to a question by saying: "I



can tell him that homemaker services will continue to be offered. What I cannot tell him is who will be offering them." The minister went on to say that other homemaking services were available to take over from the Red Cross.

Since a very large part of the activity of Red Cross homemaker services is in rural areas, and since in those rural areas there are very few alternative services, would the minister indicate to the House today who he thinks is going to provide the service that is now being provided by the Red Cross in Ontario?

Interjections.

**Mr. Speaker:** Order. The minister is waiting to respond.

1400

**Hon. Mr. Sweeney:** I would appreciate the opportunity to clearly say that we are not looking forward to the demise of the Red Cross. I believe in my answer yesterday I clearly indicated that the negotiations were ongoing and that the review within the government itself was ongoing to try to help the Red Cross resolve its particular deficit. Let me make that very clear. No decision has been made.

The second point that I made yesterday, and I would repeat today, was that our responsibility as a ministry is to see to it that the service itself is available. We cannot guarantee in any community who is going to deliver that service, and it may or may not be the Red Cross. The honourable member will be aware of the fact that across Ontario in many communities there are other agencies delivering that service. In some communities it is the Red Cross and others. In some other communities it is other agencies and not the Red Cross at all. There are other agencies across the province which are delivering that service and could be called upon to go into various areas and to pick up that service if—and let me underline that big "if"—the Red Cross is not able to manage its deficit.

**Mr. Brandt:** Let's look at some of the facts with respect to the Red Cross. Ninety per cent of all of the demand for homemaker services that are given by the Red Cross are generated by the government. The government is the one that provides it with the people, the client group, if you will, which need to be serviced. There are now 180,000 seniors who receive a homemaker service from the Red Cross.

My understanding is that the minister is not prepared to provide funding for the \$1.1-million shortfall in the Red Cross's operating administrative deficit because he is concerned that it does

not know what its deficit is going to be next year, and this may be an ongoing problem. I would suggest to the minister, in fairness to the Red Cross, that the Treasurer (Mr. R. F. Nixon) and the minister himself do not know what his operating deficit is going to be next year either. Why will he not do the right thing for 180,000 seniors in this province and indicate clearly to the Red Cross that he is prepared to provide \$1.1 million in funding?

**Hon. Mr. Sweeney:** It was not so much the fact that we did not know what its deficit was going to be. As a matter of fact, in response to a question from the member for London North (Mrs. Cunningham), I said that the Red Cross had already indicated to us directly that while its deficit for the current fiscal year would be in the \$1-million range, it was projecting a deficit in excess of \$3 million for next fiscal year, and even it could not tell us what it would be for the subsequent year. It was in that context that I said it was difficult for us to make a decision to resolve this year's \$1-million deficit, because obviously that does not solve the problem, just its deficit alone, which is for the administrative operation of the service.

The other side of the coin is that the big problem which has been brought to our attention for the last five or six months is the direct wages being paid to the homemakers themselves. As the honourable member is aware, they are in the range of \$5 or \$6 an hour. Because of that, all of the agencies delivering this service are telling us that there is such a turnover of direct-service workers that they have a big problem: they do not know whether they are going to be able to continue. Just solving the deficit problem for this year does not solve the problem at all. It just puts it off in terms of what the subsequent deficit is going to be and how we are going to deal with the question of the direct wages of the workers themselves.

**Mr. Brandt:** Not providing the Red Cross with \$1.1 million jeopardizes the service to 180,000 seniors. I am sure the minister will agree with that statement.

Let me then ask the minister very clearly: If he is saying that he cannot provide the \$1.1 million because there may be an ongoing and perhaps escalating operating deficit to the Red Cross, will the minister state very clearly that in his opinion, if this is what he is saying, the per client cost of providing homemaker services by the Red Cross is too high? Is that what he is saying?

**Hon. Mr. Sweeney:** There are two different kinds of costs that we as a ministry have to be

aware of. The first one is the hourly rate that we pay to the agency to run its own administration, to pay the hourly rate to the workers themselves. The second one is the hourly rate to the worker. There are some agencies that require a higher rate to the agency itself; even though they are not paying the worker any more, their administration costs are higher. That answers the question in a kind of backhanded way.

**Mr. Brandt:** What about the Red Cross?

**Hon. Mr. Sweeney:** The Red Cross is one of the higher-cost agencies, yes.

**Mr. Brandt:** Because it operates in rural areas.

**Hon. Mr. Sweeney:** That is only part of it.

**Mr. Speaker:** Order.

#### CANRON INC.

**Mr. Mackenzie:** I have a question of the Minister of Energy. The minister will be aware of the request by the mayor of Hamilton and the regional chairman, who have forwarded to him a resolution concerning the problems that may affect the Canron plant with 185 employees in Hamilton due to changes in the Hydro regulations. I am wondering if he can tell us if he has arranged a meeting with the Hamilton authorities yet, as per their request, and if he can give us the date of that meeting.

**Hon. Mr. Wong:** I am aware of the Canron situation, which has been brought to my attention. Ontario Hydro, in introducing time-of-use rates for industrial use across the province of Ontario, made this option available to each of the local electrical utilities. Hamilton Hydro opted in favour of this. Perhaps Hamilton Hydro and/or the mayor have been in touch with my office—I believe they have been—but I am not aware of a specific meeting having been set up at this point.

**Mr. Mackenzie:** I understand from the correspondence I have that they have requested a meeting with the minister in his office. I think the concern is the 185 employees in that plant, which is in the ingot mould division. It is a cut-throat business at best, and it is very likely that this plant will go under and go under very quickly if there is not some agreement reached. I think all of the options at least have to be explored, and I would request that the minister give some urgency to a meeting with the Hamilton officials over this plant.

**Hon. Mr. Wong:** I will undertake to look into this matter to see if we can find a resolution to it. I might re-emphasize that Hamilton Hydro is primarily the entity that has the responsibility for

setting the rates to Canron, and I appreciate that over the years Canron has had a preferred rate treatment given to it by Hamilton Hydro, and this complicates the matter. But I do appreciate what the honourable member has said in so far as it affects 185 employees; I will undertake to look into this.

**Mr. Speaker:** The Leader of the Opposition may wish to ask his second question to the Premier.

#### RETAIL STORE HOURS

**Mr. B. Rae:** Of all the commitments made by the government in the last election, the promise the Premier made that the compromise which had been worked out in this House on Sunday shopping prior to the 1987 election, the promise that he made to the people in August that that compromise would be maintained and would be supported by him, was an important commitment to a great many groups across this province, as the Premier well knows.

He broke that promise. He decided to bring in very different legislation from the legislation contemplated by him, according to what he told the public in the course of an election campaign. He now has opposition from virtually many, many religious groups across the province, 99 per cent of the municipalities that are members of the Association of Municipalities of Ontario and the small and many large businesses across the province.

I would like to ask the Premier: Rather than force through this legislation by using closure, as he said outside the House yesterday, why not convene a meeting of the coalition that is opposed to his bill, as well as the Association of Municipalities of Ontario, and for the first time actually sit down with them and discuss what kind of workable compromise could be reached which would make the use of closure in this House unnecessary?

1410

**Hon. Mr. Peterson:** It is quite obvious to me that my honourable friend would like this government to use closure.

**Mr. Laughren:** Is that what you said?

**Hon. Mr. Peterson:** If not him, certainly the leader of the third party is virtually inviting that.

I respect my honourable friend's point of view on this matter, but he has consciously undertaken to take endless time discussing this matter, 55 or 60 days in committee, wasting time. He may feel that is appropriate in the circumstances.



I respect the fact that he disagrees with this. He disagrees with many things. As a matter of fact, he disagrees with everything the government does, except the good things, and he wants to take credit for them. I understand that, but I think there has been endless discussion with virtually all groups concerned. They have met privately. They have met publicly. They have met before the committee. All the views are known on this matter.

We came to the conclusion that the act was unenforceable, that the bill that has been put forward in this House is a sensible one. It works in other provinces extremely well. There is no obligation on any community to open, should it not desire to do so. If the people of Sault Ste. Marie want to stay open, why should they be prevented from so doing?

**Mr. Brandt:** They can do that under present legislation.

**Hon. Mr. Peterson:** Some of my honourable friend's own members have indicated a high comfort level with the idea of letting Pembroke do something different from Kingston. Why would we not, in a land mass this size?

We think it is a sensible and sensitive solution that makes common sense. I know that common sense does not always fly in this House with the opposition, but I invite them again to think about it and, just perhaps, they will come to the conclusion that this bill makes sense.

**Mr. B. Rae:** First of all, I want to say to the Premier that, as Leader of the Opposition, I do not approve or condone the use of closure by this government to get its legislation through. I want him to know that.

The second thing I want to say, by way of question, is simply the short answer to my suggestion, a very practical and constructive suggestion; that is, if he was interested in resolving what I think any objective observer would see as an impasse between his approach and the approach that is favoured by the Association of Municipalities of Ontario and by all the members of the coalition that I have referred to—and I am not referring to members or affiliates of the New Democratic Party, though of course the trade unions involved are opposed—that he recognize that, sure, he has a big majority and, sure, he can abuse that majority any way he chooses, but sometimes it makes sense to listen to the people on the other side, particularly when he himself changed his mind and broke his promise, the very specific promise he made to the people of the province back in 1987.

**Hon. Mr. Peterson:** My honourable friend refers to the majority on this side and, indeed, that side of the House, and in fact he is right.

One of the things we try very hard to do is to be sensitive to the desires and wishes of the opposition. It is inevitable, in our processes, that there are differences of opinion. As a matter of fact, I get the impression sometimes that the opposition manufactures differences of opinion just to fulfil its role in opposition. At least, I used to do that, so I understand if he wants to do that. Let me say that to my honourable friend.

I think he is quite right that we have to be very sensitive, sitting, as we do, with a majority. But may I say at the same time that a minority party has to be sensitive of its role as well. I find situations here when people sitting in minority parties think that they are responsible for the government, that their wisdom should prevail in all cases. It is important that both of us are sensitive to each other.

After 55 days of debate and endless committee hearings, this government has shown forbearance, understanding and a willingness to co-operate and work with the minority in this House. But I say at the same time, just because of pique or some other reason or disagreement with the government, which is responsible for the legislation of the day, he wants to stand up and drag this thing out for ever—I think, frankly, he is pushing this to the limits of his responsibility.

**Mr. B. Rae:** I was delighted to hear the admission of the leader of the Liberal Party that for years he manufactured differences of opinion with the Tory party, which was then in government. This confirms a theory that I have held about the two parties for many years, and I am glad to hear it out of his own mouth.

The difference of opinion that we have is not the difference of opinion between the Premier and the Leader of the Opposition or the leader of the third party. That is not the issue here.

I am suggesting not that he meet with me or with the leader of the third party to resolve this difference—I gave up on that idea a long time ago; what I am suggesting is that he meet with those groups who represent citizens of this province who are not Liberals necessarily, who are not New Democrats necessarily, who are not Conservatives necessarily, but who are, in very substantial numbers, people who have a profound disagreement with the fact the Premier broke his promise in 1987, that he said something in order to get people's votes in 1987 and then said "Let's do the exact opposite" after the election.



All I am asking him to do is to sit down and meet with them before he makes the decision to ram through this legislation by means of the closure mechanism which he himself has referred to outside this place. He can just meet with them.

**Hon. Mr. Peterson:** I have observed to my friend opposite that the last socialist leader who had comments with respect to the two-party system in this country lived to regret it. I just want to remind him of that little piece of recent history.

Let me say that my friend uses inflated rhetoric about "ramming through." Surely there has been no government that has been more patient in discussing this issue, as with many other issues. We have great respect for the rights and responsibilities of the opposition, having laboured there so long ourselves.

He has had an opportunity to put his views there, in this House. I recognize there are many people who disagree with this legislation. I also recognize that there are many people who do agree with it. Why does he not meet with the people who agree with it?

**Mr. Philip:** Name them.

**Mr. Speaker:** Order.

**Hon. Mr. Peterson:** There are numerous people who think it is a very sensible approach to the matter and I say to my friend that I think he has chosen to dig in his heels on an issue that is not appropriate. It works very well in other provinces and when people come to realize this they will be extremely comfortable with it.

He can look at what is happening in British Columbia and in Alberta. Even Saskatchewan is following along in this regard. It recognizes the diversity of the provinces and the differences, and I think it is a sensible and sensitive way to proceed in this matter.

So I say to my friend, there is no ramming through. We know the views of the people who disagree with us, just as people disagree with almost everything we do. We understand that as well. But we have a responsibility to be as sensitive as we can, to govern, and he has a responsibility in this Legislature to not endlessly obstruct. As far as I am concerned, the opposition members are the ones who are obstructing; it not us ramming anything through.

#### WASTE MANAGEMENT

**Mr. Cousens:** I have a question for the Premier. It has been noted in the press recently that he intends to establish a provincial garbage authority. We have not been informed in this House as to what action is being taken, or is

going to be taken, by his deputy minister, Mr. Church, and the office of the greater Toronto area, on this matter.

What is the status of this new provincial body? What is the role of Mr. Church? When can we expect a formal announcement on how the Premier plans to deal with this garbage crisis in Metro Toronto?

**Hon. Mr. Peterson:** Approximately six months to a year ago, we established a new deputy minister, Mr. Church, responsible for what we refer to internally as the GTA, the greater Toronto area. This was in response to a number of problems with which I am sure my honourable friend would be familiar, in respect to waste disposal transportation, and a variety of other issues that cut across the traditional regional and municipal boundaries.

I am sure my honourable friend will agree with me that in many ways, they are artificial constructs. The best results in the future will be achieved by co-operation, particularly in this extremely high-growth area around Toronto.

Mr. Church's responsibilities are to bring together new forms of co-operation in dealing with the regions, the municipalities and the provincial government, with respect to a wide number of issues. I can tell the honourable member that he has met extensively with the regions, municipalities in a variety of areas and we are bringing together new dialogues on issues of transportation, housing, waste disposal and other things.

I am not in the position—there are discussions going on—no question about it—with respect to taking a more co-ordinated approach to waste disposal; historically that is something that is the region's responsibility. Those discussions are ongoing. But as I am sure my honourable friend would agree, it is important that a high degree of consultation go on—we are not trying to catch any of the regions by surprise—and that they work with them in a co-operative way. I am not in a position to give my friend a specific announcement about the nature or structure of a waste disposal facility or corporation, but discussions are going on along those lines. When we have something specific I will share it with my honourable friend.

1420

**Mr. Cousens:** The Premier is undoubtedly aware of the scathing articles that recently appeared on Toronto in the United States. The fact is that it is long overdue for action to be taken by his government in dealing with the crisis that we now have with waste disposal—as well as a



number of other problems, for that matter—in the Metro Toronto area.

Which regional municipalities is he dealing with and negotiating with in trying to resolve this crisis that we have with garbage? What is the mandate for this new authority, or is it just another one of his all-talk-and-no-action proposals? I would like to know specifically what it is he hopes to achieve out of all these talks and conversations that he and Mr. Church might be having?

**Hon. Mr. Peterson:** It is not a question of my conversations with Mr. Church. It is a question of Mr. Church's conversations with a number of the regions, and trying to be as helpful as we possibly can in the short term as well as in the long term in developing approaches to solving the waste disposal problems. As the member knows, in the greater Toronto area some regions are under far more pressure in the short term than are others. So the immediacy of the problem is more serious in some cases than in others. Obviously, that is a question of landfill; it is a question of recycling.

I can tell the member that the minister has been very aggressive in that area and I can say with some pride that we have one of the leading programs in North America with respect to reducing the quantity of landfill. We are taking a multiplicity of approaches. My honourable friend asked me for the terms of reference, specifically of the corporation. There has not, at this point, been a corporation formed. That may or may not come out of it, but it is going to be done on a co-operative basis with the regions. It is their legal responsibility, as my honourable friend knows, but we are here to play a co-ordinating, facilitating and helpful role with those regions that want to work with us.

#### WETLANDS MANAGEMENT

**Mr. Offer:** My question is to the Minister of the Environment. There is a wetlands complex referred to as the Creditview bog in my riding. I have posed a question to the Minister of Natural Resources (Mr. Kerrio) on another occasion dealing with this issue. However, this wetland is on property which is the subject of preliminary subdivision agreement approval. There has been concern raised about safeguarding the bog because of its ecological value. I ask the question of the Minister of the Environment because I understand that he has received communication from the parties concerned. Could the minister share with me his understanding of this situation surrounding the Creditview bog?

**Hon. Mr. Bradley:** I am aware of the situation regarding the Creditview bog and some of the conflicting points of view that are associated with it. I have received a number of letters which have been expressing concern over the potential development of this bog and requesting its preservation. I understand that there is a petition which has been signed by some 10,000 individuals who have in fact supported the preservation of that particular bog. I understand, as well, that there is a question over the specific classification of this wetland under the Ministry of Natural Resources wetlands evaluation system.

I have also received—I can tell the member—requests for designation of the Creditview bog under the Environmental Assessment Act. Those are the circumstances which surround this and the kinds of communication which I have received, which have been in fact in writing and, in addition to that, the information that the member has provided to me and some considerable coverage which has been allocated to this particular situation through the news media.

**Mr. Offer:** Based on the request for accreditation under the Environmental Assessment Act, could the minister please inform me as to the processes which are used and involved with respect to this very important process?

**Hon. Mr. Bradley:** I certainly can, and I would think a number of members of the House would be interested in this particular process. The request for designation is in fact under review by the environmental assessment branch of the Ministry of the Environment at the present. As members may be aware, the environmental assessment branch gathers all available information on the case and contacts some of the parties which have expressed an interest.

They have been in contact with the Ministry of Natural Resources, for instance, which is responsible for the wetlands of Ontario. Based on this review of all the various people with whom we make contact, the branch makes a recommendation to me. If a project is designated under the Environmental Assessment Act and the proponent develops an environmental assessment document which is reviewed by the government agencies and, of course, by the public at large, based on the environmental assessment document and the government review, a member of the public can request a hearing and then, of course, the hearing officers determine whether the proposal is rejected or accepted.

**Mr. Speaker:** Just so the question period does not get bogged down, new question, the member for Cambridge.



## AUTOMOBILE INSURANCE

**Mr. Farnan:** My question is to the Premier. The consumers of Ontario—the driving public—are being ripped off because the Premier is pandering to his big-business friends. With the recommendation of the Ontario Automobile Insurance Board of a 12.5 per cent profit on investment, auto insurers will have a guaranteed profit margin far in excess of the rate of inflation. Instead of protecting consumers, the Premier has in fact set up a mechanism whereby this government has become a willing ally and partner in the maximization of guaranteed profits.

Will the Premier admit that his government's intervention in the insurance field is one that favours the insurance industry at the expense of the driving public, the consumers?

**Hon. Mr. Peterson:** I think the minister will handle that, Mr. Speaker.

**Mr. Speaker:** The Minister of Financial Institutions.

**Hon. Mr. Elston:** I want to thank the honourable member for the question. This question about the issue of the return on equity has been asked several times. Of course, it is unfortunate that he continues to misunderstand and in fact tries to communicate to the public of Ontario that misunderstanding. It is not that way at all.

The idea of looking at a return-on-investment figure at all was merely to provide the basis on which some projections for a rate-setting structure could be brought before the board for hearing. There was no guarantee provided by the decision of that part of the hearing process. The honourable member knows that, in fact his critic knows that, and in fact his leader knows that, because it is very clearly indicated that there was no guarantee provided by the decision that was presented late last year.

The public of this province for the first time ever, and maybe it will be the first time in most of the jurisdictions in North America, has a chance to fully explore the manner in which rates are established for auto insurance premiums.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Elston:** It seems to me that auto insurance premiums being well understood, the components of which they are established and the makeup of the expenses—

**Mr. Speaker:** Thank you.

Interjections.

**Mr. Speaker:** Order. Supplementary.

**Mr. Farnan:** It is a matter of record that the insurance industry made significant financial contributions to the Liberal Party during the 1987 provincial election campaign. Most members of this House will be familiar with this piece of literature produced by the Ontario private automobile insurance industry and mailed to every home in every riding in which a New Democrat was perceived to have a chance of victory.

Will the minister admit that the proposed gouging of the drivers of Ontario is simply a sacrificial offering at the insurance altar of retribution and that in making this offering, the Liberals are merely repaying their debt to their big-business friends who financed their election victory?

1430

**Hon. Mr. Elston:** That bit of rhetoric, I am afraid, really takes the cake. That is nonsense.

I can tell the honourable member and the people of the province that for the first time ever, there is a forum in which the consumers can receive the information that is the background on which the premiums for auto insurance in Ontario are established. There is a very full and open hearing. There is an examination of the material that is brought, not only by the people who are making reports to the board but also by those companies that say they need specific increases.

The gentleman from Cambridge indicates there is a guaranteed profit. Nothing could be further from the truth. This board is examining exactly what goes into setting up rates for auto insurance within the province. The people who work in all of those companies must do a series of marketing techniques. They have to do the administrative work, all the stuff that a competitive marketplace drives them to do so that they can establish some kind of return on their equity.

There is no guarantee that has been written into this for anybody. They have to work at it. I will tell you, Mr. Speaker, that the public is well served by an open process that will allow them to be armed when they go to the—

**Mr. Speaker:** Thank you.

## POLICE PURSUIT

**Mr. McLean:** My question is for the Solicitor General. On May 20, 1987, 17-year-old Tracey Cook died in the arms of her mother as a result of a crash following a high-speed police chase in Midland. Tracey Cook was a passenger in the car



driven by her mother when it was hit from behind at the intersection of a four-lane highway and a street in Midland. This vehicle was struck by another vehicle fleeing from a Midland police cruiser after Mrs. Cook was forced to stop at the intersection by a second police car that was blocking her way.

Since the death of Tracey Cook occurred during a high-speed police chase, will the Solicitor General call for an immediate inquest into this troubled matter?

**Hon. Mrs. Smith:** This matter was drawn to my attention and I am making some inquiries, but as my understanding of it goes, the legal case is complicated at this point and an inquest cannot be called without stopping the investigation. I do not wish to be categorical on this at this point in time.

**Mr. McLean:** It is customary to expect at least an ounce of compassion in a tragic situation such as this, where a completely innocent family has been most-unfortunately victimized. The Cook family has been waiting patiently for nearly two years and is still waiting for answers and for justice concerning the death of their daughter. The entire issue of high-speed chases will not go away, and it is simply not fair to fight this issue on the backs of innocent families.

I ask the Solicitor General, why will she not have a complete inquiry into this matter? The family has asked for help in this case. The two ministries, apparently, according to the Cook family, are ignoring them. Why will she not take some action?

**Hon. Mrs. Smith:** As I have said, I will try to expedite the inquiry into this matter, but as long as it is being inquired into with any possibility of charges of any sort, then it would not be appropriate to hold an inquest.

#### TRUCKING SAFETY

**Mr. Tatham:** My question is for the Minister of Transportation. I have received several phone calls and comments about trucks speeding on Highway 401. Personal observation would indicate that there are a few trucks that speed.

Scott Talbott of Laidlaw Transport of Woodstock says Laidlaw trucks run at 90 kilometres an hour. By dropping back from 100 to 90 kilometres, they save approximately \$6,000 on fuel for each truck, which runs approximately 150,000 kilometres a year. Together with their lights-on policy, they have cut their accident rate by 17 per cent and saved \$1.5 million a year on insurance. They have a fleet of 800 trucks.

Should there be a different speed for trucks compared to other motor vehicles?

**Hon. Mr. Fulton:** I appreciate the question of the member for Oxford and his long-standing interest in public safety, and in highway safety in particular.

Way back in this province, and I think in other jurisdictions, certainly in jurisdictions in Canada, there was a variable within speed limits, but most recent studies on highways in North America indicate that a variance between types of vehicles increases the rate and often the severity of the accidents. We are not contemplating any kind of variance between one vehicle type and another in Ontario.

**Mr. Tatham:** Tach cards are used by many trucking companies for record purposes. There is some suggestion that tach cards would be of assistance to a trucker in case of legal matters. My question is, should transport trucks be equipped with tach cards?

**Hon. Mr. Fulton:** I think the equipment the member is referring to is analogous to the black box common to aircraft. The instruments are technically able to monitor the movements of the vehicle itself and in many cases the actions of the driver on the road. My understanding is that about 30 per cent of the trucking industry currently uses this, if I can call it, black box. We are very supportive, in the interests of public safety and highway safety, in seeing greater use of that kind of technology.

#### WATER BOMBERS

**Mr. Wildman:** I have a question of the Minister of Natural Resources. Could the minister explain why and how many of the CL-215 water bombers, which are worth about \$7.5 million each according to Lou Lingenfelter, director of the aviation and fire management centre, are parked outside the hangar in Sault Ste. Marie in the winter weather and cold because the hangar is too small to accommodate the aircraft he has purchased.

**Hon. Mr. Kerrio:** There is a very good reason for that. We felt it was imperative in Ontario that we buy enough water bombers to fight the fires rather than—

**Mr. Wildman:** But not to protect them against the winter.

**Hon. Mr. Kerrio:** Would the member just stop for a minute while I explain.

We thought it was imperative that we purchase water bombers to fight fires before we built



hangars to house them, and that is the reason they are outside.

**Mr. Wildman:** Is the minister not aware that because they cannot be accommodated in the hangar in Sault Ste. Marie, they also cannot be serviced there? If they cannot be serviced, they may not be available for use to fight fires if the fire season were to start earlier next spring than might originally have been expected.

Why is the minister having to use privately owned, inadequate hangars for the servicing of these aircraft, with all the risks that entails for fire protection? Why did the government not approve the approximately \$4-million allocation of funds required in 1986 to build an adequate hangar facility in Sault Ste. Marie to accommodate these aircraft?

**Hon. Mr. Kerrio:** Of course, the honourable member brings to the attention of the House the fact that we do not have enough hangar space for nine CL-215 water bombers, the reason being as I described initially, that we saw putting the money in the bombers as the first and highest priority. That is not to say we do not have plans for the future not only to consider building more hangar space ourselves, but also at this time we are looking for options where there may be other people who will provide us with hangar facilities more cheaply than we can build new hangars. We have not been without our people out there examining every alternative.

I will make this comment to the member: When the fire season commences, and it does happen ever year regardless, we will have all of our CL-215s in the air, fighting the fires and getting the reputation throughout the rest of Canada and everywhere else that we have the best firefighting forces in the world.

1440

## INNOVATION CENTRE

**Mr. Sterling:** I would like to direct a question to the Minister of Industry, Trade and Technology regarding the closing of the innovation centre at the University of Ottawa, in that this centre has received thousands of inquiries a year and has helped hundreds of inventors by providing advice support, and therefore must be considered one of the most successful programs of the ministry. What information, research, statistics, logic has the minister used as a basis for closing down this centre in Ottawa-Carleton?

**Hon. Mr. Kwinter:** I am sure members will know that there were 22 innovation centres, made up of nine at universities and 13 at community colleges. Built into the legislation

that provided for them was a sunset review. That sunset review has taken place. We have had consultants' reports that evaluated them. It was decided the money could be spent with greater effect through other programs that are in place. As a result, the decision was made to inform the various innovation centres that after their term was up, which is now going to be the end of the month, they were going to be wound down.

**Mr. Sterling:** The minister says he bases his closure on the report of Jim McPherson, who I believe was the consultant. We would like to have an opportunity to look at that report. We have had to apply for it under the Freedom of Information and Protection of Privacy Act. It cost the taxpayer, I understand, something like \$50,000. It is our understanding that in that report, the University of Ottawa innovation centre was deemed to be very successful.

Many of the innovation centres had different mandates. Some dealt with the universities alone, some dealt with universities and the community, and some dealt with the community alone. In fact, the University of Ottawa innovation centre dealt with the community alone.

In view of the fact the ministry has diddled away money to Wyda Systems, Abe Schwartz and other kinds of groups in the millions of dollars, why has the minister closed a successful innovation centre spending \$100,000 a year that is helping many small businessmen? The minister has closed the Ontario Centre for Microelectronics in Ottawa. He has closed—

**Mr. Speaker:** Order. The member has completed his speech.

**Hon. Mr. Kwinter:** The member has been quick to catalogue the things we have closed and has neglected to catalogue any of the things we have opened under the Premier's Council; under the technology fund. When you consider that under the innovation centres we were providing \$100,000 in matching funds, with the institution providing the other \$100,000, they do have opportunities to continue these programs if they are successful.

In the meantime, we have programs in place that are very effective. It was a decision made after careful consideration and I can tell members that it was not done on a whim. It was done after due consideration, after evaluating all the programs that were in place. It was decided we could get a better return on our investment through other programs that are in place.



## WASTE MANAGEMENT

**Mr. Faubert:** My question is to the Minister of the Environment. The blue box recycling program has come to most parts of Metropolitan Toronto and I must commend the minister on his consistent efforts to assist municipalities in establishing their recycling programs. Indeed, as a former member of Scarborough and Metropolitan Toronto councils, I was often frustrated in attempts to get these councils to move expeditiously in this matter.

While blue box recycling is an important step forward in conserving resources and reducing the amount of garbage that goes to landfills, it is obviously not the complete answer to our disposal problem. Could the minister outline further initiatives his ministry will be taking to move beyond the present blue box program?

**Hon. Mr. Bradley:** First of all, I do not think we should diminish the importance of the blue box program itself. I am very pleased that at this point in time I believe we have 1.2 million households in Ontario that are on the blue box program. That is an effort other jurisdictions would like to duplicate. I point out as well that in the previous year, 1988, some 750,000 blue boxes were distributed in Ontario. I think that compares to zero in the specific year of 1984, which has some significance to the leader of the third party.

The member is quite correct in assuming that while the blue box program is exceedingly important, we have to go far beyond that. In that connection, I have had meetings, as have officials of my ministry, with representatives of key industrial organizations such as the Society for Plastics Engineers, the Packaging Association of Canada, the Grocery Products Manufacturers of Canada and the newspaper association. All that is designed to bring other aspects of recycling on stream, such as going into apartment buildings, which I think is very significant, and composting, which individual farmers have done for a number of years.

[Applause]

**Mr. Faubert:** I note the applause from both sides of the House for the minister's response.

Now that we are into the winter season and the time for raking leaves is long past, I still recall the familiar picture of large numbers of boxes and bags of leaves put out for collection. Surely leaves constitute large bulk in the refuse stream at that time of the year. Are there any programs presently being developed to deal with this kind of refuse?

**Hon. Mr. Bradley:** Again, that represents one of the areas where we can say there has been a downfall in many years gone by and in many jurisdictions. There is absolutely no excuse for not composting leaves in Ontario. Recognizing this, we are developing these composting guidelines so they can be effectively implemented in Ontario.

We are supporting composting initiatives in the city of Guelph, for instance, which is very progressive in this area, and of course in Metropolitan Toronto. These will be expanded throughout Ontario. I can inform members of the House—they may be surprised by this—that North York, Etobicoke, Cambridge and Guelph are some of the municipalities in Ontario which have developed recycling programs in the form of composting of leaves. It is not only an opportunity to divert them from the landfill sites themselves; it is also an opportunity to have them decompose and provide the kind of fertilizer that is required for gardens, lawns and all kinds of recreational initiatives in this province.

## USE OF HOLLOW-POINT BULLETS

**Mr. B. Rae:** Mr. Speaker, on a point of order: I have been troubled by the fact that it would appear at first blush that we are not able to ask questions directly of the member for Kingston and The Islands (Mr. Keyes) with respect to the statement he made in the Toronto Star on December 28, 1988. If you will bear with me, Mr. Speaker, I would just like to say this: There are two possibilities and I want to put both of them to the government.

The first possibility would be that the Premier (Mr. Peterson) would exercise his discretion, and the House would comply, in allowing the member for Kingston and The Islands to explain what information he had when he was Solicitor General with respect to the use of illegal bullets and to explain how it is that he came to make the statement he did on December 28.

I might refer you, Mr. Speaker, to standing order 29(h), which states, "Parliamentary assistants may answer for their ministers only when authorized by the Premier." The member for Kingston and The Islands is a parliamentary assistant. He is admittedly the parliamentary assistant to the Minister of Health (Mrs. Caplan) and not to the Solicitor General (Mrs. Smith).

1450

The first request I would make of the Premier is whether he is prepared to authorize by means of exercising his discretion the former Solicitor General, the member for Kingston and The

Islands, to make a statement to this House upon which he can be questioned in this House with respect to his responsibilities. If the Premier is not prepared to do that, then I have a motion which I would like to put with respect to the referral of this matter to the standing committee on administration of justice.

**Mr. Harris:** Briefly, as unanimous consent is not required for what has been brought forward by the leader of the official opposition—at least I do not think unanimous consent is required, particularly for option two—let me indicate on behalf of our party that we support both proposals put forward by the leader of the official opposition.

I suggest that the matter might be cleared up a little sooner and a little more quickly and expeditiously—and that would certainly be the wish of our party, and I think it ought to be the wish of the Premier—if he would allow the former Solicitor General to answer for his knowledge in this matter. Certainly there is a lot of confusion among members of this House and among the public, and it might put that matter to rest much sooner.

I just wanted to indicate on behalf of our party that we would support either one of the two options the Premier might choose to follow.

**Hon. Mr. Peterson:** It seems to me that there are time-honoured traditions in this House that there is one minister and the one minister speaks on matters of responsibility. How far back does this go? Do we bring back former ministers of the crown? The answer is a very clear no. In my view, it would be a very serious violation of the traditions of this House.

**Mr. Speaker:** I have listened very carefully to the three members who have spoken. The Leader of the Opposition (Mr. B. Rae) did refer to a standing order. Of course, I do not believe the request made would by any means come under that particular standing order; therefore, I do not consider it a regular point of order.

**Mr. B. Rae:** On a point of order, Mr. Speaker: Should I ask for unanimous consent then that the member be allowed to make a statement with regard to what he said on December 28?

Interjections.

**Mr. Speaker:** Is there unanimous consent? No.

**Mr. B. Rae:** Further to my point of order, Mr. Speaker: I did refer you to the fact that if I was not successful in convincing the Premier of the simple justice of the original request, I would make a motion. If I may, I want to make a motion

that the matter of statements made by the former Solicitor General, the member for Kingston and The Islands, in the *Toronto Star* on December 28, 1988, be referred to the standing committee on administration on justice.

**Mr. Speaker:** I listened carefully. I understand that in the first point of order the Leader of the Opposition made he did state that he would be trying to place a motion before the House. I did rule that the point of order was not a point of order. The only way that a motion could be placed now would be by unanimous consent. Is there unanimous consent?

Interjections.

**Mr. Speaker:** No, there is not unanimous consent.

## PETITION

### AUTOMOBILE INSURANCE

**Mrs. Marland:** I have a petition for the Lieutenant Governor in Council signed by 60 employees of Zimmer of Canada Ltd. in Mississauga. It reads in part as follows:

"We, the undersigned Ontario residents and taxpayers, wish to add our voices to the many other Ontarians who are concerned about the potential 35 to 40 per cent increases in auto insurance premiums. A 40 per cent increase is not anything like the 'cap on insurance premiums' that you promised in the last election campaign!"

## MOTION

### ESTIMATES

Hon. Mr. Conway moved that in the standing committee on social development, the estimates of the Ministry of Community and Social Services be considered following the estimates of the Ministry of Skills Development.

Motion agreed to.

## ESTIMATES,

### MANAGEMENT BOARD OF CABINET

**Mr. Philip:** On a point of order, Mr. Speaker: Yesterday, during the estimates of the Management Board of Cabinet, I indicated that several ministries were denying information to the Ombudsman on the advice of the Attorney General (Mr. Scott) and that the rationale used was that the investigations were in violation of the freedom-of-information legislation. What I meant to say was that the ministries were using instead their privilege under orders-in-council rules, and I simply want to correct my own record.



**ORDERS OF THE DAY****CHILDREN'S LAW REFORM  
AMENDMENT ACT**

Mr. Offer, on behalf of Hon. Mr. Scott, moved second reading of Bill 124, An Act to amend the Children's Law Reform Act.

**Mr. Offer:** I am pleased to move second reading of Bill 124, the Children's Law Reform Amendment Act, 1988.

The amendments to the Children's Law Reform Act proposed by this bill are designed to assist both custodial and noncustodial parents to enforce access rights and obligations. The bill seeks to achieve a number of what I may say are worthy goals: first, to minimize the use of children as pawns in disputes between their parents; second, to provide a speedy and inexpensive means by which access difficulties can be determined by the court, including guidelines for the determination of a wrongful denial of access; third, to emphasize that the best interests of children are met through ongoing opportunities to learn from both parents, as is each child's right, and last, to provide the court with enforcement tools other than jail sentences and fines when enforcing access orders. These alternatives include compensatory or makeup access, reimbursement for expenses incurred as a result of the wrongful denial of access or the wrongful failure to exercise it, supervision and, if both parties agree, mediation.

The bill also seeks to avoid the unfortunate circumstance which has arisen in three provinces, Alberta, New Brunswick and Manitoba, where wrongful denial of access has led to the courts ordering the suspension of child support until the access order is complied with.

The bill also addresses specifically this government's concern about the domestic violence in families in Ontario. The bill proposes a means by which domestic violence would be drawn to the attention of the court on each and every application or motion concerning custody of or access to children. These remedies will only be available when the court concludes that such an order is in the child's best interest.

**1500**

We have a bill that recognizes and supports the rights of children. This bill was approved by the Federal-Provincial Committee on Family Law Policy at the Uniform Law Conference of Canada in August 1988. That committee is chaired by the federal Department of Justice and made up of representatives of directors of the family law

department of different ministries of the Attorney General in all provinces and territories.

In addition, this bill has been followed in its entirety in Newfoundland as well as in parts in the province of Manitoba; in Alberta this bill has also been considered in many of its most important aspects. The bill is in itself under serious consideration indeed in the country of Australia.

To reiterate, this is a bill that recognizes and supports the rights of the child, and I welcome the comments of all members of this House.

**Mr. Hampton:** I am pleased to be able to participate in the debate on this bill because there are a number of comments both general and specific that I would like to make on the bill, both on behalf of my party and on behalf of a number of interest groups, a number of concerned citizens who have spoken to me about the bill and have spoken to other members of our party and expressed their deep concerns about the legislation.

I think it is important to place all of this in context, so let me first go into a little of the history of this bill because I think the history is quite important.

The original bill introduced by the Attorney General (Mr. Scott)—and I gather it was some two years ago—was entitled Bill 60 at the time. That bill provoked such opposition from so many groups that the government wisely saw fit to amend some of, or should I say most of, the bill because so many sections of the bill were found to be offensive.

I think it is only fair to delineate some of the groups that spoke out against the bill. For example, a submission was received by the Attorney General from the Canadian Bar Association's family law section of Ontario. It was a submission which—I think it is fair to say—condemned what the government was proposing to do with that bill.

As well, numerous responses were made and numerous submissions were received by the Attorney General and by the opposition parties from women's groups: organizations and groups that represent battered women, that represent women who have been through serious custody and access fights. They all said to the government that the previous bill was offensive for a number of reasons and should be withdrawn.

The government in its wisdom—I will give it credit for some wisdom here—did not reintroduce the same bill. Bill 124 contains some significant amendments compared to the previous Bill 60.



However, as is our job, we spent a considerable amount of time conferring with a number of those organizations: the family law section of the Canadian Bar Association, a number of women's groups, father's groups, parents generally who are concerned about questions of custody, concerned about the specific question of access, concerned about solving problems of access and concerned about enforcing appropriate access orders and access agreements.

What we found, after conferring with many of these organizations, is that they do not find it adequate, even though the government has amended or changed significantly the former Bill 60 in its present form of Bill 124 and even though the government did listen somewhat. Most of the organizations that we spoke to still find this bill offensive in some respects, find it inadequate in some other respects and find that it really misses the mark. In fact, we had a number of organizations say to us that this bill will likely do more harm than good.

Let's be clear. I think everyone out there agrees—everyone who is concerned about this question, people who want to see the best welfare for their children, whether they be divorced or separated, whether they be grandparents or parents or whether they be aunts or uncles—that there is a problem. I do not think there is any disagreement about that. Everyone agrees that there is a problem.

But there is fundamental disagreement and where I think the government has it wrong is that the organizations out there that we spoke to said it will be very difficult to find a solution to this problem by simply sending people back to court. What is involved here is a question that courts are not equipped to handle, are not organized to handle and really do not have the capability or the skills to deal with.

Really, in the majority of the access dispute cases, what you have had is a situation where the parents, the former spouses, have already been through, at the very least, the battle that surrounds a separation agreement, arguing back and forth as to who is going to get custody, arguing back and forth how much support there is going to be and arguing back and forth over property settlement. You are already dealing with a situation where people are in conflict.

In many cases, the conflict is more serious than just having gone through a separation agreement. In many cases it has also been a battle in the court. They have been back and forth on the witness stand. There have been applications and motions back and forth in court. In still many

unfortunate cases—I say unfortunate because it truly is unfortunate—in the background of all of this, there may have been a situation of spousal abuse, child abuse or some kind of family violence. In many cases where you have these types of access disputes, the factual background is not one which would easily lead to either trust and a co-operative or, shall we say, a compromising attitude or approach to solving these kinds of disputes.

The ground is already rough. Yet what does the government propose in the way of solving this or in the way of leading to a better solution? It proposes sending the couples who are already in dispute back into court so they can dispute some more. We think this approach is fundamentally wrong. We have said this previously. We have said it in question period and we have said it in other written statements to the minister and to the minister's assistants.

### 1510

We have said to the government that if it is really serious about dealing with access disputes, if it wants to help the situation, if it wants to provide a mechanism which will allow parents who are no longer spouses or who are separated, if it wants to provide a milieu where child access can be exercised in a reasonable manner which does not promote conflict, the way to do that is to fund agencies which already exist.

They are funded so far by the voluntary sector. They are funded by the churches. In some cases they are staffed by volunteers. Fund those types of agencies because that is a way that we can deal with access disputes; disputes which, as I have said, are often already very volatile. That is a way the government can deal with them in a manner which tends to diffuse the conflict, which tends to play down the conflict rather than throw it into court to enhance it and start it all over again.

In my practice as a private solicitor in family law, time and time again when I came away from family court I had to ask myself: Why do we have to go to this institution which in so many ways does not fit the needs of the people who are here? I know, from speaking to other people who practise much more family law than I, that with the current regime that exists in terms of settling family law disputes there is not a lot of happiness out there, there is not a lot of satisfaction. Yet, to turn people back into the courts again and expect that we will somehow do better, that we will handle the situation better, that we will come away with something more positive, again I say we are headed down the wrong track.



There is another factor which plays into all of this. The government says and the Attorney General says in his opening statements—I think I can quote him in the statements he made back in April 1988, when he introduced the bill—he thought that the 10-day application period—in other words, allowing an application to be brought in 10 days, allowing the application to be dealt with in terms of oral evidence—would provide for quick hearings and quick determinations of the dispute.

I think we are forgetting something here. I think we are forgetting about the mechanism of many of our courts. For example, let's look at the provincial court where a number of custody and access disputes appear. The Attorney General has admitted in this House in question period that there are serious backlogs in many of the provincial courts of this province. He says they are mainly confined to Metropolitan Toronto and the surroundings of Metropolitan Toronto and parts of Ottawa.

After the Attorney General gave that answer, I looked quickly at the latest census for Ontario and, lo and behold, that involves far more than just a simple majority of Ontarians. If you look at the population centred in and around Metropolitan Toronto and in and around the city of Ottawa, a majority of Ontarians are already having difficulty getting access to the provincial courts.

We are well aware that something can say the most wonderful things on paper, and I suggest that is what the Attorney General is doing. He is saying there shall be 10-day applications, this will all be solved quickly by means of an oral hearing, but the fact of the matter is that if you have a shortage of courthouse facilities, as we have, if you have a shortage of judges, which we have, if you already have backlogs which may in some cases be up to a year in length, which we have, then all that this is is paper.

Even if you accept it on its own terms, even if you were to accept, which we do not, that the government is headed down the right track in this kind of legislation, when you look one step beyond into the shape that our courts are in in terms of backlogs, in terms of shortage of judges, in terms of shortage of facilities, it just does not fit. It ain't there; it is paper only.

The only conclusion we can draw from this, whether in terms of substance or in terms of the mechanisms of the courts and the procedures and the facilities that are there, is that this legislation is not going to help. It is not going to make things any better, it is not going to provide realistic solutions, it is going to make things worse and

there are going to be more angry people out there, more frustrated people. Access is not going to be easier, but it will result, as I say, in more conflict.

And to what end? There are children who, in most cases, deserve to be able to see both parents, who want to be able to see both their parents and who want and need the kind of neutral access mechanisms that can provide that sort of realistic access and can do it while playing down the conflict and the volatile situations which already exist.

To put it very specifically, what we would like to see this government do, what we think this government should do, instead of creating another court mechanism, instead of making more lawyers wealthier because they are going to spend more time in court fighting to no positive end and you are going to waste more court time, you are going to spend more money in the courts and the court process, instead of spending the money there, do something positive and provide some funding for those voluntary agencies that are already out there, many of which are cash-starved.

Provide some money for them so that they—whether through an enhanced day care facility, which as I understand it sometimes works, or whether through the Access for Parents and Children organization which exists in Etobicoke and is a voluntary, funded agency—can provide the access mechanism which is really needed. Do it that way. Do not waste more money sending it all back through the courts.

I want to deal with some other parts of the bill. I want to deal with some specific sections which we feel have to be looked at, which we feel are deserving of amendment and which we feel will lead to problems if they are not amended. I put the government on notice now that when this is looked at by committee, we will be proposing amendments to the end that I am speaking of right now.

**1520**

I would first draw the parliamentary assistant's attention to subsection 35a(9) of the act. As it stands now, it says, "The motion shall be determined on the basis of oral evidence only, unless the court gives leave to file an affidavit." That is, if you have an access dispute, one of the parties, or the party who feels that he or she has been denied access, can make a motion to the court asking for a hearing within 10 days. Then subsection 9 says, "The motion shall be determined on the basis of oral evidence only."

Again, a number of the advocacy groups we have spoken to have said to us quite distinctly



that the expectation of an orderly oral hearing, the expectation of an oral hearing where justice is done, cannot be supported.

Keep in mind that what you will have coming into court in these situations are people who are already fighting, very likely people who are already angry with one another, very likely people who do not trust one another. In some situations, one of the spouses has perhaps been violent, either physically or verbally abusive, to the other spouse. Do you expect to have an orderly oral hearing? I doubt it very much.

We feel that if you are going to have any type of orderly court procedure in this kind of instance, the evidence will have to be provided by affidavit. If it is provided by affidavit, we suggest that is at least one mechanism of playing down or diffusing some of the anger, some of the mistrust that is likely already there.

Can you imagine having former spouses or separated spouses who are already in a situation of conflict, a mere 10 days after the latest round of conflict has occurred, going into a court and settling their differences in terms of an oral hearing and expecting that oral hearing to be in some way orderly or controlled? I doubt very much that can happen.

In fact, I would suggest that this is a recipe for disorder in our courts and, as I have said, a lot of wasted time and a lot of increased and heightened conflict which we do not think will result in just solutions and we do not think will result in solutions that have any finality or are in any way conclusive.

There is another aspect to this which I think deserves emphasis in terms of the oral hearings, and it is an aspect that is very sad. The fact is that if there has been a history of physical abuse in the relationship or a history of substantial verbal abuse in the relationship, or both, then I would suggest that it may be very unlikely indeed that the party who has been abused, who has been the victim of abuse, will feel confident enough, will feel in control of the situation enough, to be able to go to such an oral hearing and honestly state to the court what her position is and why that is her position.

The Attorney General is asking an awful lot here of someone who may, very recently, have gone through a situation of serious physical abuse to then come to the court, perhaps only 10 days later, and say to the court, "This is why I did what I did and this is why I denied access and this is why I think perhaps continued denial of access is in order."

The minister is asking an awful lot, particularly of women who may have lived in a physically abusive relationship to do that. Once again, I doubt very much that the minister is going to see justice come out of that kind of situation.

I want to go on to what some advocacy groups have stated is the most significant flaw in Bill 124, and that is in section 1 of the bill, which adds subsection 4a to the act and will amend, as I understand it, section 20 of the Children's Law Reform Act. It says:

"(4a) Where the parents of a child live separate and apart and the child is in the custody of one of them and the other is entitled to access under the terms of a separation agreement or order, each shall, in the best interests of the child, encourage and support the child's continuing parent-child relationship with the other."

It seems to me that that may be a wish, that may be something we would all like to see. In the ideal world, in the best of all worlds, that is something we would like to see. But how a Legislature and how a court can, first of all, try to state that duty, how we can make that a duty and then how a court can try to enforce it, to me is quite unrealistic.

I know very well that it has been stated in law before and I can only say from my perspective that it is a dumb law. To order someone, regardless of circumstance, that they shall encourage and support the child's continuing parent-child relationship with the other, to me is asking an awful lot of someone.

To me, government, the state really is stepping beyond its bounds to try to make this a legal duty, to try to force separated parents or former spouses to do this kind of thing. I think we are way out of bounds and I think we are going to get ourselves into trouble trying to do this.

How does a court seek to enforce this? What kind of inquiry does it go on? What kind of conflicts are we inviting here?

It shall be the duty of each to encourage and support the child's continuing parent-child relationship with the other. I can think of all kinds of circumstances where I would not want to order someone to do that. I can think of all kinds of circumstances where a court would not want to order someone to do that, where a court would not want to get involved in that kind of thing. I can think of all kinds of circumstances where a custodial parent may be quite justified in not promoting and not encouraging a child to continue a parent relationship with a former spouse.



Again, we are out of line here, where we have situations of serious physical abuse, of serious child abuse and then we are faced with this—it shall be the duty. I think we are inviting some very difficult situations. I really do not know what this adds in the way of a solution to what are already some very difficult situations. I do not know what it adds in terms of defusing a situation. I think it can only lead to some more difficult altercations, to some more difficult conflicts. So I would urge the government to look very closely at that particular section and consider taking it right out of the act.

1530

To put it bluntly—and some advocacy groups have put it to us this way—an abused parent should not be told that he has to encourage and support the child's continuing relationship with an abusive parent. If an abused parent is forced to foster the child's relationship with an abusive parent, it may be that all the safeguards included in the later amendments in this act, all the safeguards that occur later on in the act, are of no value.

If we remove this section from the bill, I do not think it would weaken the bill in any way, but I do think it would improve the chances, particularly in the case of women, that violence against women would be more seriously considered by courts in these kinds of situations. That kind of occurrence has to be considered. It cannot be subtracted, it cannot be removed, from the dynamics of the relationships which go on here.

Those are some comments from some of the advocacy groups we have spoken to.

I also want to refer to the submission to the Attorney General by the Canadian Bar Association, family law section. I grant that at least the submission I received—and I do not think there has been a later updated one—was aimed at the original Bill 60. However, many of the comments that were made in the Canadian Bar Association submission fit Bill 124 just as they fit Bill 60.

The comment that jumps out at me, the comment that to me is relevant, is, "There is concern that this bill does not satisfy the objective of ensuring that noncustodial parents have contact with their children." In fact, it says, "A bill may not be required to meet this objective." In other words, the Canadian Bar Association, in its brief, was saying if the interest is—and I think that is our interest here. Our interest is in ensuring that noncustodial parents have contact with their children. We are interested in ensuring that the contact is one which is

handled in a reasonable manner, that it does not result in all sorts of difficult relationships, in violence, in enhanced conflict, and that it does not result in the child going back and forth from custodial to noncustodial parents in a very unhappy state, in a state of conflict where one parent is saying nasty things about the other. If that is what we want to avoid—and I think that is our interest here—the Canadian Bar Association is saying that a bill may not even be required. In fact, it says, "Some members are of the opinion that the access problems which are designed to be addressed by this bill are not a universal problem, but rather touch a small percentage of the total number of access parents."

It says, "Certainly there are some access enforcement problems, but it is believed that, by and large, the present method of solving these problems is adequate." In other words, the present method in the courts is adequate, because it is speaking here about the court system. The present manner of solving these problems in the courts is adequate, and this bill will not add anything in terms of a court solution. In fact, it says: "The bill may create problems which did not exist heretofore. For example, there will undoubtedly be more litigation as a result of this bill."

So there we have it from the Canadian Bar Association again. Its opinion is that this bill will likely lead to more litigation.

I say again to the parliamentary assistant, he already has a shortage of courthouses. The Attorney General has admitted that. He already has a shortage of judges. In fact, he has had to implement a case management system to try to deal with the backlog of cases, to try to get the backlog of cases moving through the courts more efficiently. He already has situations where judges have a backlog of a year. Now he wants to add, through this bill, more litigation.

Again, I say it is not going to help the situation. It is going to hinder the situation. It is going to result in more parents, more former spouses, more separated spouses, leaving the courts in an angry, frustrated way. I suggest it is going to result in more unhappy children, more children who are deprived of access, which they should have, to both their custodial parent and their noncustodial parent in a majority of cases. That is the opinion of the Canadian Bar Association.

Let me go just a little further, because I want to refer to some of the material that was presented to us by some advocacy groups which reviewed the legislation and which are also in touch with what



is really happening out there in terms of the conflicts that are real, the kinds of situations that many parents and so on have had to deal with in terms of access.

I really want to ask the parliamentary assistant to the Attorney General, having listened to some of these situations, if he really feels that the bill, as it is now, will result in solutions or can do anything for these kinds of examples. Let me give him an example. These are actual cases. These are actual telephone records, notations of situations that have occurred.

A lawyer called the Assaulted Women's Helpline requesting advice. Every time his client, a former battered wife, drops off her son at her ex-spouse's house, her ex-spouse assaults her. She called the police after the last such incident, but they left the scene without charging him. That is not unusual. In my practice, I experience that. The next day, the police called the woman into the station to show them her bruises. She felt humiliated in doing so, as the bruises were under her clothes. The police officer refused to request that a woman officer be present. The lawyer was attempting to set aside the abusive ex-spouse's access.

Now, that is a real situation, where access will likely be denied at some future point—access probably already has been denied—where there is going to be an access battle. We are going to send those two people back into court. That is the solution that is proposed by this bill. Those people are going to go back into court. Does the government expect to get some sort of rational settlement out of that, which has finality, which the parties are in some way satisfied with? I doubt it very much.

I say to the parliamentary assistant again that probably what both of these parents want, or at least I am sure one of them wants, would be a neutral access agency where the child could be taken and left in the care and control of a child care worker. Then the noncustodial parent could come along a half-hour later or an hour later and pick up the child. I am willing to bet that is what they want, that is what they need and that would be a solution, very likely, in this case. But again, the Ministry of the Attorney General has decided it will not spend money on this, but it is going to spend more money on sending people back into courts to fight some more.

1540

Let me give you another case. It started on Wednesday at 7 p.m. A call was received from a physically and emotionally abused woman. She called the help line upon the request of a police officer who intervened in a recent attack on the

caller by her ex-spouse. The assault occurred when the ex-husband came to pick up the children for their visit together. The help line counsellor discussed options with the assaulted woman. She suggested obtaining a restraining order and having the ex-husband pick up the children at a designated area other than a residence.

Again, that is the solution that is being suggested for many of these cases. I would suggest that these are the difficult cases. The vast majority of custody access disputes are not going to use this bill. They are not going to use this legislation. But these people who have difficulties will be forced to use the bill because that is the only mechanism the government is going to leave for them. Yet a professional counsellor who is acquainted with the situation says what is needed is a neutral agency where access can be arranged and yet you do not have to rub shoulders with one another and you do not have to confront one another.

I say merely to the parliamentary assistant to the Attorney General, the member for Mississauga North (Mr. Offer), that I could go on and cite case after case like this. The parliamentary assistant knows that there are many more of these cases that go unreported and are never documented than do become documented and that are reported because the statistics all show that. There are many more of these abusive situations that go on than ever are reported.

I want to go into in just a little greater detail about the various people this bill really impacts on, that this bill impacts on because it is not just the custodial and the noncustodial parent. Let's look at the kids. Let's look at the children. How can the government expect in this kind of conflict, when the Canadian Bar Association, family law section, says this bill is only going to enhance the conflict, is going to lead to more of it and is going to shove more people into already crowded courts, that there can be an outcome out of this bill which will lead to children having a healthy relationship with their custodial—even their custodial—and their noncustodial parent?

If children grow up in an atmosphere of conflict, conflict that is enhanced by this kind of bill, how does the government expect that a healthy relationship can result? If its only answer to the conflict is to throw it back into the courts and increase the conflict, how does the government expect that a healthy relationship between children and the custodial and noncustodial parent can result?



Moreover, let's look at some of the other parties who are involved here. Usually when you have this kind of a situation it is not just, let's say, the noncustodial parent who does not have access or who fights over access, because very often it is also the grandparents. Very often, when a family splits up and one parent receives custody and the other one has access rights, it is not only the access parent who has to negotiate for access, it is also the grandparents who have to negotiate for access. It is also them; they are also involved.

I am sure the parliamentary assistant is aware that last fall a group of grandparents—there were a number of them, and the stories many of them told were very sad indeed—came and said, "Look, we don't see anything coming out of this bill."

I spoke to many of those grandparents. I said: "What do you think would work?" They said: "Well, we're sick and tired of going back to the courts. We've got legal bills a mile long, and we've got negative answers a mile long from the courts. Courts aren't going to do anything." They said it again: "We would like to have some sort of mechanism, some sort of agency which would defuse the tension, defuse the conflict and allow us to arrange with the custodial parent that we might see our grandchildren; that she could leave the kids at an access agency and we could come by and visit them." They are also parties to this.

I say to the parliamentary assistant again, if he is interested in the best interests of children, a healthy relationship with grandparents is part and parcel of the best interests of children in the majority of cases. Yet the only answer I can get out of this bill is that grandparents will have to somehow go in and throw in their application and if they are awarded some sort of access, try to arrange it and if it does not work out, then go back in and fight some more.

Let's just consider for a moment one of the further items I think is important. Again, as the parliamentary assistant will know, many of the access orders that come out of our courts are access orders which say access must be supervised. What does this bill say for those parents? What does this bill say for those parties? It does not help them at all.

I say again to the parliamentary assistant that if he were to head in the right direction, if he were to scrap this bill and scrap the eventual court expenses it is going to lead to and go instead in the direction of funding access agencies, he would be providing a solution for a far greater number of children, a far greater number of custodial and noncustodial parents, and a far

greater number of people who have a legitimate interest in this situation and a legitimate interest in finding solutions to these kinds of situations.

In summary, let me say to the parliamentary assistant that we will not be supporting this bill. I believe that in my statements I have delineated all of the things we see wrong with it. I believe I have stated that fundamentally we think it is headed down the wrong track and that even if it is headed down the right track, the fact of the matter is that the court mechanisms, the shortage of judges, the shortage of court space will not permit some of the solutions proposed in this bill to ever occur.

How the government intends to get 10-day hearings into courtrooms that are already backlogged a year is really a magician's imagination. I suggest to the government it can wave the magic wand as much as it wants and it is not going to happen; it is just going to get worse. Some of those parents who are out there are going to be even more angry, more frustrated and more disappointed. The best interests of children are not going to be served by this bill in any way whatsoever. I urge the parliamentary assistant to speak to the Attorney General. I understand he has great persuasive powers with him, whereas most do not. At least he tells us that when he is in the House.

**1550**

I urge him to discuss again with the Attorney General, and discuss again with the Attorney General's adviser who is sitting over here within earshot but out of sight, that they are both headed down the wrong track and that there is a far better way to deal with the multitude of problems that present themselves here. I say again to the government: "We will not support this bill. We think it is headed down the wrong track. We think there is a much better way to do this. There is a much better way to meet the needs of children, parents, grandparents and all people who have a legitimate interest in this." I hope the government will take a second look at what is going on here and do the right thing rather than what, I am afraid, is the expedient thing.

**Mr. Cousens:** I would like to wish the members good wishes for the new year. I have not had the opportunity to wish them the very best for the beginning of what should be a very good year. I hope it is for all of us, with health, happiness and prosperity. May we, in our own families, not have to face some of the problems we are talking about in this kind of bill. I guess, in the spirit of things, I only wish the Attorney General could be here for the debate.



I know he has a worthy parliamentary assistant who will pass on to him the concerns we have to raise and also, I hope, help mediate some resolution to the concerns we have here. I think it is going to take a fair amount of honest consideration by all members of this House, by the public at large and by those who are specifically concerned to work on this bill, and it is hoped, add to it and make it a stronger statement.

We are dealing with a very important issue. It has to do with our families, the families within our society and the importance of helping those families work out their problems effectively so that the long-term best interests of the children, the adults and all those involved are somehow better handled than they have been by past legislation. I realize it is an evolutionary thing. We are not going to solve all the problems with this bill. Bill 124 certainly has within it seeds for more happiness and better resolution of the concerns of those who are in a marital dispute and have a custodial problem over the children.

I see more positive things in it than does my friend in the New Democratic Party. Although I have criticisms and concerns, I trust our party will be supportive of the bill, with the expectation and hope that the government will consider some of the amendments—I hope all of the amendments—we will be tabling. This bill has great importance. When we are dealing with the family, with an issue as great as this, I hope we can stay away from parochial concerns. I do not see anyone in this House wanting to do anything other than that.

What we have to do is somehow show to those families that are in a marital breakup situation that there is a society that cares about the best interests of all those who are involved and that the legislation we have here, with the amendments I am going to be proposing, can assist those families in working out those differences.

The definition of the family has changed so much from what it was in my parents' home and in our own homes, although we are suffering some of the problems we come through in a modern society. With conflicting interests, spouses working and all the things that are going on, it becomes far busier than I think it was years ago. I think we, as a society, have an obligation to really look at the personal needs of everybody. The family unit, as once defined, might well be a father living separately and the mother living separately, one or the other having the children. Then it also becomes a greater family as we are dealing with neighbours, friends and relatives.

Indeed, is any family the same as another, and are we in this Legislature going to solve all the problems of access and custody that really are out there? That becomes a challenge for us. Other jurisdictions have tried to deal with it, some with greater or less success. None the less, I think we face the challenge and I am pleased we have at least this chance to start looking more seriously at this whole issue.

I hope we are not rushed into trying to make a speedy decision and that there will be time for the government to consider the amendments prepared by my staff and myself and one other member of the provincial Legislature who was very instrumental in developing a bill I had the honour to present when he was not elected for another term. When Terry O'Connor was in this House he prepared a bill called An Act to amend the Children's Law Reform Act. I brought the bill in on November 24, 1987. He was no longer able to present it himself. I had been supportive of the bill when he first brought it forward.

The fact of the matter is that now we are dealing with another bill, placed by the government. I have taken the ideas and concerns that were going to be addressed by Bill 45 and put them into the form of amendments to modify government Bill 124. I am sure we will have an opportunity to go through those in detail in committee. I will copy these amendments to other members of the House so they will have some sense of what it is we want to do.

What we are anxious to do as legislators is to help solve a problem, a problem that has so many ramifications for our society. I just hope we are able to make a concerted effort to do something to help our families who have the problems that come out of divorce and marital breakup. It is a serious problem, and I guess there but for the grace of God go I.

There are those of us who have seen others go through this whole custodial battle where marriages have broken down and they have had to pick up the pieces, create a new life and set up a new household, with the movement of the children from one place to another and all the trauma that goes into that. I do not know how I could handle it, yet I have seen so many others try. The anger rises to such a level. Their way of handling their own problems ceases to be as effective as when there was trust and they had better days. Therefore, what we should do is look to a way to help make it easier, to help somehow establish a framework for the resolution of these access disputes.



I think what is most important is that we provide an alternative to the current system available in Ontario, whereby the recourse for an aggrieved party who wants to clear up an access infraction is to go through a lengthy and expensive application to court for contempt of court on the original court order.

Unfortunately, when you have someone who wants to have access to a child and he or she does not have it and something has happened along the way, it is all tied into so many things. It is tied into the anger that goes to the original marital breakdown. It is also tied into the financial commitments each has to give to the other or the failure of one party to fulfil financial commitments to the other. Then the whole problem of access is tangled up in the same web of this marital dispute, so the children, unless we are far more careful in the future, become the victims of what is going on within our society.

It is almost a farce when you have to go back, and though both parties in a marital breakdown have love for the child, that child ends up being at the losing end of the bargain when he has to go through an extended and prolonged court. I feel the agony of all those people who have gone through it, and surely the courts feel the agony, and the parents and children all do.

**1600**

So many people who have spoken to me since I brought in Bill 45, my own bill that would have helped deal with this access problem, have said: "Good. Please proceed with it. We could have used that in our own situation." Maybe there is still time in this House, before we rise or within the next year, so that we will see changes enacted.

I applaud provisions of this bill that address reasonable grounds for denying access as well as redress if a parent infrequently exercises his right of access. The problem we have is the whole business of balance. I think Ontarians and people in this province really have a great empathy for others. Deep down we have a desire for fair play. We do not like violence. We want to be accepting of other people. Yet within our own families, when the anger flares and the tempers are hot, during that crisis, who knows what is going to happen?

It is extremely good to have the kind of balance I think the government is trying to give in delineating some of the concerns that can cause the court to hold back one or the other party from having such easy access. These are defined here in the bill.

I have some concerns with the bill. I guess I would like to touch on some of those concerns because they are embodied as well in my private member's bill, Bill 45. I just want members to realize that I had hoped to be able to have that private member's bill debated. Because I do not have any control over the House leader of the Liberal Party, there is no likelihood I would have had it brought up for House business. Inasmuch as I have had only one opportunity for a private member's debate in the Legislature so far, my chance of having another one is some months away.

I am being waved at as if I want to join the party opposite. The chance of that happening is so slim I could not even begin to imagine it and I would not dare even to think of it.

The concern I have is that my bill, Bill 45, really began to do some of the things that are talked about in this bill. My amendments are going to be addressed in total to the Attorney General's bill and hopefully will try to bring in some of the concerns I would have solved through my own bill.

I have to look at the business of highlighting the importance of grandparents, especially the parents of those who do not have custodial rights of children. What we really have to look at is, is there any way within this bill that we can have more access granted to those who have some kind of blood affiliation to a child, so that they have an opportunity to see that child?

I do not think we understand the agony that has gone on in the hearts and minds and families of grandparents. If you just go through the stages that happen when there is a marriage breakup—I am taking a specific example I know. The husband and wife broke up and in the short term they said, "We'll put the children with the husband's parents." So they did, and the children went to the husband's parents' home, the grandparents' home, and were there for some months while the mother and father worked it out.

Finally, when they had worked it out, the mother got access to the children and took them away from the grandparents. Those grandparents, who had developed the same kinds of ties parents would, but understanding that they were grandparents none the less, gave them up knowing they could no longer really have any legal right to those children. Now that the mother had the rights to the children, the grandparents were cut off, absolutely cut off, and have not seen those children again, and under the present law, have no right to see them.



That becomes one of the real moral imperatives a bill like this can include within it, that grandparents have rights as well, and that we have to understand their feelings. Their empathy, their love and the kind of giving of themselves they want to give to their grandchildren is being denied to them, because present legislation does not force anyone to look at them as having any entitlement. That becomes one of the major concerns I have. We are talking about a society that has almost cut the roots off from the past.

I think of days gone by. I know that in my grandparents' home, everybody was there. It was not just a small nuclear family as we have it today, where it is my wife, myself, my two kids and dog; there were all kinds of generations within the same household and everybody was working to help one another.

It was true in the agricultural society of Ontario, where you really were not sure who was the matriarch or the patriarch because there were several generations within the same household. Now it is more the exception than the rule, but what we are doing is legitimizing an act that is not really fair or right and has been outside the common law and common practice of the province by saying, "Grandparents have no rights when it comes to custody or access or seeing and gaining contact with their grandchildren."

I have to tell members there have been more hurt and more silent tears by grandparents in this province because of this. It is something that has been just heartbreaking. It is something that has caused them to say, "Here we have given so much to get our children going," and they might have helped their children get started, and then when the marriage broke up, all that has been forgotten and now the children are off elsewhere.

It is an emptiness for which there is no cure unless we give those grandparents some legal right, some legal hold within this bill that says: "You do have rights. You have a blood connection that has value to it, and the eyes of the law appreciate that, and there is now, therefore, a way"—through what I am going to be proposing in my amendments—"for a grandparent to have those rights recognized."

You could write books, and I am sure many have been written in the form of letters, which have gone unanswered, by grandparents who have written to their son and daughter-in-law or son-in-law and daughter, trying to open up the doors of communication, anxious to say, "Look, I have something to give you," and the most

important gift they have to give is just the love, the caring, the desire to see those children.

There are so many now who have been denied that access. I plead with the Attorney General and I plead with his parliamentary assistant that when we table amendments in the House that will deal with this whole issue of grandparents, they be open-minded on them. Maybe one of the advantages of having the Legislature have a committee that will look at this is that we will have other members of the House who will speak to the Attorney General and let him know they share some of the concerns I have.

I feel I am not expressing it as well as some of the people in the gallery could express it right now. I know there are others who have gone through this in their lifetimes. They do not have a great long future, but they do want to have within the future days of their retirement a chance to be close to their grandchildren.

These amendments have been carefully drafted. The use of legislative counsel has given us a chance to highlight the importance of the grandparent in this process of child access. What we have tried to do is put the grandparent relationship as something that is implicitly stated in this bill, and that underlines the importance of the grandparent as any other crucial player within the family model within Ontario. I do not think there is one member of this House who in his own lifetime has not appreciated that. The fact that our legislation now does not force it when we have a marital breakup becomes the issue that my amendments will have something to say about.

#### 1610

I have been inundated by the concerns of grandparents in this province who feel they have been victimized in this way and I seek to ensure that over and above the ultimate responsibility of the parents, grandparents are also given the responsibility to the basic right to access of their children. In saying that, I am recognizing the fact that the parents still have primary responsibility. We have no desire to override or pre-empt, through this amendment, the importance of the parents' role in raising a child in this process. What I would like to see and what I implore from the government is some openness to this change in the process.

I have a number of other amendments to this bill and they are lengthy. I have no intention of going into them in detail here, because I know they will appear when this goes to committee.

One of the things that has to happen is an increased emphasis on mediation as a means of solving disputes, especially custodial disputes



and access problems that parents have once they are separated. We can look at so many other ways of doing it. We can do it through court orders. We can do it through supervision, and the legislation outlines different ways in which access can be worked out. But one of the things that is missing in this bill, I feel, is the whole process of involving a mediator.

I remember the days when I was involved in negotiations on the school board. We did not always have the best of negotiations. We ended up with a few strikes, and mediation did not always work. That is the tragedy of it.

You have two parties, and sometimes in trying to work out your differences, it turns out that you go farther and farther apart. Before you know it, it is hardly possible for any mediator or anyone else to come within that and to work it through. So compulsory, binding arbitration and many other techniques have been implemented through government to force two parties to get together.

One process I am sure many couples could look at when they have had their marital breakup and they are really still fighting over what they are going to do with the children is, within this bill, to find and develop a methodology for mediation.

In the bill, the minister has said mediation is a way. What I have done through the amendments that I will be proposing is to define in greater detail how mediation will work, what would be involved in mediation, how we would select a mediator and how that whole process could begin to bring two willing parties together to start working it through.

I heard what the honourable member from the New Democratic Party had to say and I think his concerns about the court backlog are extremely valid. I think that within Ontario we all know that right now. You get into that system and it is horrendous if you try to rely on the courts to help you solve your problems.

Though the best interests of all parties are considered, I believe that if we could develop and enhance the mediation process in this legislation, it could open up new and fresh opportunities for people who would like to work out a solution. Maybe if they know it is there and it is given priority and an element of importance within the bill, then those couples who are actually facing an expensive and long battle might be willing to say that with this process it becomes another way of trying to solve the problem.

My purpose will be to change and more clearly spell out the role of the mediator both in making

recommendations on custody and access and in resolving access disputes.

My proposals further include a framework for mediation which entails the definition of who shall act as mediator. As we look at the whole process, I think there are people capable of acting as mediators who are not necessarily lawyers or in the court system but are family counsellors; they are in a position to offer tremendous guidance and assistance to those who are in the middle of a dispute.

What I would also like to do is to establish some guidelines for the process. I believe there should be a methodology by which the government can levy fees for that mediation as well as the provision of determination of mediation should it not proceed well.

In my recommendations, I give importance to the compilation of a mediator's report. I would also give it increasing importance as a legal document so that the courts, when they are looking at what the mediator has done, and the judge, who is going through so many cases and his load is so full, will have a chance to say, "Okay, I now see some of the considerations that have been considered, tabled and documented." The court will be able to draw upon that experience, that wisdom and that knowledge to develop its own strategy.

I feel the need for a report that comes out of mediation—which is not addressed at all in Bill 124—is something that, when it goes back to the court, will be of assistance in interpreting what is best for all those who are involved. I feel this provision is a crucial one, given the proposal, to launching this motion.

Regarding the problems we have with the current backlog in the courts, I believe we should continually look for ways of helping to try to resolve and address them. I believe we have to be wary of adding more to the courts.

Although it is adding another level, because the needs of the people are going to be understood, the mediation approach can help to relieve some of the backlog of the courts, give more time to those who are involved without the pressures that the courts are under and at the same time give them the kind of advice and counsel they need. Sometimes it will just be the talking-out that leads to the long-term better resolution than we have at present.

I have no desire in my amendments to add to the burden of what is already a crowded and full judicial system. What I do propose is a methodology that will allow those couples who are having



an access problem to find a way of addressing and resolving that dispute.

Maybe what will happen as well, if the importance of mediation is given a new level and a new statement as one of the things that is available within Ontario. It could act as a safety mechanism for those parties who are presently having a problem.

People hastily make out motions, they come before the courts, and it is not only expensive, it also commits them to something that sometimes they wish they had not committed to. Now, if they can do it through mediation, it is a far less stressful situation and it becomes far more conducive to both parties working out the interests of the third party.

Let's not underestimate all the problems that come out in our society because of divorce and marital breakup. I think we all have to be sensitive to it. At the same time, while we recognize it is going to happen, if we can help those parties work out whatever it is that needs to be worked out with the custody of the child, that in itself can be a tremendous benefit to them.

1620

I have all the amendments ready that I will be copying to my fellow members of the House. I guess it really is not the time. I could go through it, but I have indicated I will not.

I have to say that I trust the Attorney General, who I sincerely regret is not here for our opening presentations on this bill. Maybe I could have some indication from the parliamentary assistant: Is the Attorney General planning to attend the hearings of the committee and participate when this does go to committee? Can he nod or does he know? There is no response. In other words, the parliamentary assistant has no idea whether the Attorney General will be further involved with this. I think that is too bad. Maybe it is something—

**Mr. Hampton:** He is less influential than we thought.

**Mr. Cousens:** He is a good man, but it is hard to influence the Attorney General when he is one of the top three of the triumvirate in Ontario and so busy doing so many other things. The fact is that this is so important, I would truly ask the parliamentary assistant to speak to the Attorney General and ask if he can have an appointment to have him look more seriously at what we are talking about. I think it is too important for him not to be here. I sincerely hope there is some way in which he can indicate to me, our party and all those people who are interested in the concerns I

am expressing that he is going personally to do something about it.

We are dealing with a system in Ontario that needs refinement. What we are seeing in this legislation is something significant. It warrants very careful scrutiny by a legislative committee. It will allow then for thoughtful comment by members of the public and hopefully the government will be open to the amendments I have suggested and possibly to other amendments.

I liken this bill to the adoption disclosure legislation debated in this Legislature a few years ago, in which I was very involved, when the government was able to listen and work with all parties in trying to come up with a better system for adoption disclosure. I would like to see the same kind of spirit in this House when we are dealing with this bill.

While it is imperative to respond to the growing concerns of the parents who are party to disputes of this nature, we must always keep in mind that our actions must inevitably be guided by what is also in the best interest of the child or the children involved. That becomes the obligation we are addressing through Bill 124. It becomes that imperative I talked about earlier. As we look at the Children's Law Reform Act, it will be amended. May it be amended in such a way that it includes the concerns I have talked about, addressing the needs of grandparents and giving a greater importance to mediation.

Mr. Speaker, I cannot tell you how many people I have talked to who have come to my riding with very serious problems because of marriage breakup. What you are dealing with is a legal situation. Many of these people are far more innocent when it all happens. Now they have become experts on the law, especially as it surrounds the Family Law Reform Act, especially as it affects themselves as you are dealing with one or the other party who has broken the law. I am not a lawyer, but it seems—

**Mr. Haggerty:** Be glad for that.

**Mr. Cousens:** I know. I am glad I am not, too. I think it is one of the reasons I got elected, that I am not a lawyer. We have a few around, and I am glad there are some, but even that might be too many.

The legal approach seems to be the one that always wins. Common sense does not necessarily prevail. The best interests of the people are sometimes, it seems, lifted up and above and outside what we see as normal, common-sense, good things to do, into what is called the legal world. Then you go to the courts and they deal



with a different kind of process and they deal with all kinds of language. The whole jurisprudence becomes something the layman does not fully understand.

I am saying let's somehow simplify it. Let's somehow get back to those very fundamental and basic principles that allow for mediation and allow for the family to have a continuing contact where there is some kind of blood contact. In spite of the fact that its state of existence is different than what it was going to be, that family can still have its linkages. They can still have their contact. They can still see their grandchildren. The parents, who are now fighting over the rights of access for the children, can also work that through in another process. Therefore, I say mediation can play an important role in that.

I know there are many others who want to participate in this. I had intended to open up a whole different file that has to do with another matter that comes out of the Family Law Act. I think that what I will do is share it with my good friend the parliamentary assistant, the member for Mississauga North, in private to give him an opportunity to prove he is capable of helping solve a very significant problem one of my constituents has. I will be talking to the parliamentary assistant to see if he can do something about it.

In the meantime, I look forward to seeing this bill fully discussed in committee and I truly hope that the government will consider very, very seriously the amendments that our party will be placing before it.

**Mr. Offer:** Just on a point of information, Mr. Speaker: Is it proper that I can comment on this?

**The Acting Speaker (Mr. M. C. Ray):** Yes.

**Mr. Offer:** Thank you. Just in response to the member's question as to whether I will be carrying the bill, it is my expectation that as parliamentary assistant I will be carrying the bill not only in the Legislature but in the committee. The Attorney General, as is his option, has seen fit to entrust that to my responsibility. I have been working on the bill for a very long time and I would like to make it very clear that I look forward to discussing this bill in committee and responding to the amendments from the honourable member.

**Mr. Hampton:** Several aspects of the honourable member's speech interested me, but one area in particular intrigued me, and that is that the honourable member made a number of references to mediation of access disputes. I wonder if he could indicate specifically in what sense he feels mediation would assist in some of these kinds of

disputes: mediation ordered mandatory in all cases, mediation when the court sees fit, mediation at the request of one of the parties where once the request is made the other party must comply, mediation when both parties are in agreement with mediation.

I wonder if he could indicate generally what he has in mind in this, because I too am interested in the concept of mediation. I am interested in the process of mediation and I am interested in how it might fit into these kinds of difficult situations, particularly if it is mandatory mediation, if it is mediation that can be ordered by the court—if so, what is the process?—or if it is mediation which immediately becomes available if one of the parties requests it or if it is mediation only when both parties agree.

**Mr. Cousens:** First of all, I would hope that the honourable parliamentary assistant will have an opportunity to drag the Attorney General out to some of the presentations. I would be very pleased if there is some way that we can have some discussion on this in public, because knowing how the system works, it is the Attorney General who makes the decisions in the final analysis and not the parliamentary assistant. Therefore, I believe, it is incumbent on the Attorney General to come to some of the meetings so that I know that he has really heard it. Although I have confidence in the parliamentary assistant as another member of the Canadian Committee for Soviet Jewry, and I have a good friendship there, I still worry about the power he has over the Attorney General.

With regard to the point raised by the member for Rainy River (Mr. Hampton), all forms of mediation, whether directed by the court or whether accepted voluntarily by the disputing parties, will be impacted by the kind of process that my amendments are going to describe. My amendments will make it possible for anyone who is into the mediation process to really know who is going to be doing it and how it is going to be done.

1630

The report that is going to come out of that mediation is something which will then come back and stand as a record of worth in the eyes of the court, so that mediation will then be given a far greater level of importance than it has been given heretofore. It will be any form of mediation—I appreciate the member's point—that is required. Whether it is something that is voluntary or something that the court has required, regardless, this form of mediation that I am describing would fit into all those cases and



gives it a level of importance that heretofore has not been possible.

**Mrs. Grier:** I am very glad to participate in the debate on this bill and to indicate that I certainly share the opinions expressed by my colleague the member for Rainy River that this bill is a very legalistic approach to what is a human problem and that it would be far preferable if this government, as it has been asked to do on many occasions by myself and other members of this House, seriously looked at a program that would provide a service that enables noncustodial parents to have access to their children in a supervised and appropriate setting. What we are doing with this bill is creating an expectation that that kind of access is going to be available.

It is said by the Attorney General that the purpose of the bill is to provide effective enforcement of access orders issued by the courts of our province. He also, of course, stresses that the bill is in the best interests of the child and that the best interests of the child or of the children are paramount. How are the best interests of the children paramount if all that is really happening is that they are being thrown back into the court system and the squabbling is taking place over issues other than the original one, which was who should have custody and how access should be organized?

If we do not have in place any system for implementation of the legislation, any way in which that custody and that access can be given without the custodial parent living in fear that somehow the children are going to be harmed, are going to kidnapped, are going to suffer psychologically by virtue of the way in which that access is given, what are we doing? What progress are we really making?

I want to put on the record the situation in my riding with the only program in this province that provides the kind of comprehensive access for noncustodial parents that this bill is going to create a demand for. This program in Etobicoke, called Access for Parents and Children, is going to close at the end of February because it has not been able to obtain the \$100,000 a year required for its ongoing operating budget from either the Attorney General or the Ministry of Community and Social Services.

The fact that there could even be some difference of opinion between those two ministries as to whose responsibility it is to fund such a program proves the folly of proceeding with legislation such as the bill before us today when

we have not put in place the infrastructure that will allow the bill to be properly implemented.

Access for Parents and Children began in 1983 as a result of the identified concern by the Etobicoke family court that coming before them continually were cases where there were disputes over access. The court wanted to order access to the noncustodial parent but did not have a setting in which that access could be achieved in the safety of the child and the interest of all concerned. A group of volunteers got together, found some funding initially from the United Church of Canada and subsequently from Metropolitan Toronto, the city of Etobicoke and other social agencies, and put in place a program whereby children can visit with the noncustodial parent in a supervised setting.

Since 1983, there have been 6,500 visits to this program. Here, 47 families per month and about 71 children per month are serviced by the program. Now the United Church is saying that it can no longer continue to fund the program and so, for the last two years, the program has been asking the provincial government if there is some way in which this program can continue. The response has been, as I say, for one minister to say, "Go to the other minister," and for the other minister to say, "It is not my job to fund any program that people dream up and think is worth while."

In fact, the Ministry of Community and Social Services is funding a pilot project in another part of the province to try to identify the need; where the parents come from; what the program does; exactly the kind of information that could be obtained by looking at the existing access program. I think it is significant that in support of the continuation of the access program in Etobicoke, the Attorney General has received innumerable letters from lawyers and people involved in the system who recognize that the system does not work if there is not a place where this access can be obtained.

One lawyer in the city of Toronto, writing to the Attorney General last November, said:

"I am writing to inform you of my deep concern over the imminent closure of one of Metro Toronto's only supervised access programs. Access for Parents and Children in Ontario is a very important service to my clients and myself. Without it, many children will have no access to their noncustodial parent.

"I would remind you that the right of visitation between a child and a parent is a right of the child and one that has been safeguarded with sanctity by the courts of this land." But if there is no



location in which that access can occur, what use is the right?

Another lawyer, in the city of Toronto again, wrote and said to the Attorney General and to the Minister of Community and Social Services (Mr. Sweeney):

"I represent a large number of battered women for whom this facility has provided a much-needed resource. Despite medical evidence to the contrary, I find the courts quite reluctant to accept the proposition that because a man has put his wife at risk, the children may also be at risk if they were to see their fathers in an unsupervised setting.

"I firmly believe that if I was not able to provide the court with the option of supervised access at this facility, judges would be ordering unsupervised access as an alternative to no access at all."

By putting in place legislation that will guarantee the right of access without putting in place a program where that access can be safely obtained, we are perhaps making the situation worse instead of better. The Ontario Association of Professional Social Workers, again writing to the Attorney General about the imminent closure of the access program, said:

"A few such services have been developed, but are in danger of closing due to lack of funding. These few programs, for example, the Access for Parents and Children in Toronto, have proven their worth in providing safe, child-centred environments in which children may maintain contact with their noncustodial family members with a minimal risk of physical or emotional abuse or abduction.

"With the advent of access enforcement legislation, we anticipate an increased demand throughout the province for supervised access services. If provincial funding is not provided for such programs, their availability will be at least uneven and possibly nonexistent."

I could go on and read very many more, many of which point out the fact that the bill we are discussing today is going to increase the demand for the access program rather than diminish it. Yet I find it inconceivable that this government would refuse to allow to remain in existence the one program that provides that service. People have written to the Attorney General who are very much in support of the original bill of the member for Etobicoke-Humber (Mr. Henderson) on behalf of fathers all across the province and who also support this bill and the continuation of the access program.

One of them, writing from Toronto last November, pointed out, "At the present time I have a motion for interim access before the Supreme Court of Ontario in which I have requested an order for access supervised by a social worker at Access for Parents and Children in the Lakeshore Area Multi-Service Project." Because of the lack of funding of the project, his application was likely to be rejected because there was nowhere where this supervised access could occur.

He goes on to say, "It is unconscionable that a city the size of Metropolitan Toronto has only one underfunded facility for the use of noncustodial parents, usually fathers, to make limited contact with their children, especially in light of the fact that significant funding is provided for women in duress." So even the fathers' rights movement is supporting the continuation of this one program which is now in danger of closing.

#### 1640

I think one of the most moving letters that was sent to the Minister of Community and Social Services in support of the continuation of the access program came from a woman who writes as follows:

"I am the mother of two small children, one seven and one six, who has lived in hiding from a very mentally unstable husband who, by the grace of God, does not have my address. He is a continual threat to myself and my children, although the courts feel that there should be access for the father and his children.

"LAMP's Access for Parents and Children in Toronto has afforded them this access. LAMP has allowed the visit to be a safe one for all concerned. The prognosis for my husband, unfortunately, is very negative as he refuses any medical help. He is on or off parole regularly, but not for offences which would demand he have treatment, although he should.

"The number of men and women who are in my condition are growing, not decreasing, as divorce increases. There is a larger group of men and women who simply need LAMP's access program to help spell them over that time of anger during the initial stages of divorce in order to offset unnecessary pain for their children. LAMP's access program is God-sent to a growing population of the hurting parents and children in our society who have found themselves victims of divorce." And grandparents too, let me add. As one who is in that category, I could certainly foresee the need and the service provided by LAMP as being of benefit to them too.



In the application for funding that the access program placed before the Ministry of Community and Social Services, it enumerated the kinds of situations that its programs served. What I find interesting is that the situations that they enumerated that they cover are exactly those envisaged by many sections of Bill 124.

In response to the question, "Who uses the program?" they said, "Families from all socio-economic backgrounds have made use of the program, although the bulk of its users are low-income families. Families come from all over the municipality of Metropolitan Toronto and from the surrounding areas."

"The program addresses the following categories of need:

"Situations where the animosity and distrust between the spouses is so great that access becomes very difficult; situations where violence between the spouses is a concern; situations where there have been allegations of physical abuse or where there is fear of physical abuse of the child; situations where there have been allegations of sexual abuse of the child; situations where there are concerns regarding emotional abuse of the child; situations where there are concerns about parenting ability; situations where the noncustodial parent has been absent from the child for a lengthy period of time and needs an opportunity to re-establish a relationship; situations where the noncustodial parent has a history of psychiatric illness; situations where the noncustodial parent has a history of alcoholism and/or drug abuse; situations where the noncustodial parent has a physical disability which may interfere with the visit; situations where there are concerns regarding abduction, and situations where a supervised visit is not necessarily a problem but where a neutral dropoff point is valuable for maintaining access."

The grant application went on to point out that the program fulfilled six important functions:

"1. It provides safe, unsupervised access.

"2. Where there is a question regarding the necessity of supervised access, program staff can evaluate the appropriateness of access on the basis of observation of visits to the facility.

"3. The program provides an interim arrangement which allows access visits to occur while the parties adjust to separation and attempt to make arrangements of another type.

"4. The program serves an educative function for the parents.

"5. The program staff assists the court as witnesses regarding the appropriateness of ongoing access, either through the program or

elsewhere. Program staff assist in mediating aspects of access outside the program, thus avoiding the necessity of litigation. The program staff work closely with the office of the official guardian and, for some families, the program represents the only available opportunity for access to occur over the long term."

Surely all of those points are precisely what we have heard supporters of the bill say the bill is going to achieve, but the bill is going to achieve it in a very legalistic and theoretical way. The practical ability to enforce the provisions of the bill and to have that access is not there in the absence of any kind of a program such as the one that I have described.

It is ironic that when the access program in my riding applied to the United Way for funding in the absence of funding from the province, the answer it got from the United Way was that this was surely a provincial program or ought to be a provincially funded program. The United Way wrote back to them: "In both 1987 and 1988:

"The developmental funding allocation teams which reviewed your application were impressed by your organization's delivery of a much-needed service. The dilemma facing United Way is the appropriateness of allocating scarce voluntary funds to a service that should be directly supported by the court system. We understand that 90 per cent of the agency's clients are court-referred. Our volunteers felt that the Attorney General and the Minister of Community and Social Services need to work out a funding mechanism for what is clearly an important support to the judicial system."

That is essentially why I find myself unable to support a piece of legislation that is going to raise expectations. It is going to give to parents and to grandparents the feeling that they somehow have a right, that things are going to change, that they are going to be able to overcome the unhappiness that has occurred because of the separation of a family and the situation in which a child is no longer living with two parents but, as is so often the case, with only one.

We are creating expectations which are not going to be fulfilled by the passage of this legislation and we have seen no practical response from this government, no response in the case of one program that is asking to be continued, let alone any response that would imply any recognition of the need to put in place similar programs from one end of the province to the other if the provisions of Bill 124 are to make any sense at all.



For that reason, I cannot support the bill and I hope that the ministry, as a result of this debate, will perhaps take a second look at funding the one program that might in fact do what the ministry says it wants to do by introducing Bill 124.

**Mr. Henderson:** I happened to be writing a letter to a constituent as I was listening to the member for Etobicoke-Lakeshore (Mrs. Grier) and made mention in my letter of my view that this bill we are discussing is a little weak in places but said I would not be speaking on the subject. However, a couple of her comments have hooked me. In fact, I want to quote from that letter I was sending to a constituent, in which I said:

"No, I just got hooked. The member for Etobicoke-Lakeshore just referred to my bill"—my private member's bill—"as a bill for fathers. It is not that. It is a bill for children who do not deserve to be stripped of one or other parent and one set of grandparents because the family ends as a nuclear unit, and a bill on behalf of social justice that says that parenting responsibilities do not end just because the nuclear family did."

I did want to say that because I think it is very important. I realize that although we seem to be disagreeing, I am perhaps speaking in much the same vein and a way that would accord with the views of the member for Etobicoke-Lakeshore, but I do not consider my private member's bill on this subject to be a bill for fathers. I consider it to be a bill for fathers, mothers, children and grandparents, and I am proud to have brought forward that point of view.

On the comment she makes, however, that there has been no practical response from the government on this subject, again, as a lowly private member, I am going to take issue with that, because to the extent that my private member's bill is a response from at least a government member, I feel very strongly about these matters, perhaps strongly in a way that would accord with many of the views of the member for Etobicoke-Lakeshore, and I would like to be on record as having said this.

**Mr. Hampton:** I want to make just the following comments upon the member for Etobicoke-Lakeshore's statements. I think the member for Etobicoke-Lakeshore has highlighted really what the problem is here. The court system as it exists now has not been able to handle these difficult cases. In fact, what the courts have expressed on the access program in my colleague's riding, what they have said is that program is a very important support mechanism for the courts themselves which allow the courts to sort through some of these very difficult access

problems. It saves the court time; it allows the court to have greater insight into what the problems are; it saves parents a great deal of conflict. It allows them to move through the difficult transition periods of separation and divorce when children are involved.

It is part and parcel of any type of meaningful access system, of any type of meaningful access reform, and I thank the member for Etobicoke-Lakeshore for stating again that the bill that the government has proposed—and the courts have said this, lawyers have said this and advocacy groups have said this—is going to result in more conflict, and if this bill is brought forward without this kind of program to back it up, to provide the courts with support, then we have really achieved nothing. I thank the member for making that very clear.

1650

**Mrs. Grier:** I would really like to respond to one of the comments made by the member for Etobicoke-Humber. He pointed out that I had criticized the government for not having made any practical response to the program and he indicated that, in fact, the government had responded by Bill 124.

I obviously did not make myself clear. The thrust of my remarks was that I did not consider Bill 124 to be a practical response to the needs of noncustodial parents and grandparents and children created by the dissolution of the nuclear family. I think a practical response would be a program, a province-wide program, which would enable that kind of access to occur in a supervised setting such as occurs in the Lakeshore Area Multi-Service Project at the moment, because I think it is important to realize that it is, as the LAMP program said, a transitional service in many ways; that during the anger after a divorce or after a separation, there is need for this kind of supervised access.

As trust builds and as experience with separated living increases, then families find that they no longer need the program; but certainly as an initial response to a separation and to the breakdown of a family, we need not just legislation that says you have a right to access but we need a means of implementing that right and a way in which that right can be exercised on behalf and for and by the children of this province.

**Mr. Sterling:** I want to indicate that I rise in support of this particular bill. Although I am interested very much in the debate that is going on in the Legislature this afternoon, I will be



interested in the debate which will take place in the committee when this bill is sent out to it.

I want, first of all, to congratulate the parliamentary assistant to the Attorney General. I think he does a creditable job in bringing forward legislation on behalf of the Attorney General; in fact, the Attorney General has said to me privately—I guess it is not going to be private much longer—that the parliamentary assistant probably does a better job than he would in this Legislature in carrying the legislation, in that the parliamentary assistant does not raise the same kind of conjecture and debate that he does.

I might also add that the parliamentary assistant is fulfilling a task which I did on behalf of another Attorney General probably some seven or eight years ago, and I want to tell the members that the same arguments stood then as stand now with regard to the former Attorney General, and it seems to be a problem that all attorneys general have with the Legislature in dealing with them in a sane and logical manner.

I think the parliamentary assistant tries to clear away as many of the problems as he can before we enter into debate, and I thank him for his consultation on this bill and other pieces of legislation with regard to bringing them forward and trying to steer them through with as much give as possible.

One of the things I think all members of the Legislature can do with regard to this kind of legislation is to truly participate in formulating a change in law which will be for a better society in Ontario. Generally speaking, this kind of legislation does not deal with the hard-core political attitudes of one party or another.

I think that when we are looking at this particular piece of legislation, and I have heard the other members of the Legislature speak about it, one of the things that probably unifies all members of all parties with regard to this act, which deals with the access rights to children, is that it is probably the overriding concern of each and every member in the Legislature to do in this piece of legislation what is best for the children.

Up to now, we have basically talked about the rights of the mother, we have talked about the rights of the father, we have talked about the rights of other family members with regard to their rights to have the children in their custody for a period of time; but the overriding concern in this legislation must be that we draft it in such a manner that the kids, the children, will be best taken care of for even a short period of their lifetime and that the decisions relating to that

period of time be done in a reasonable and logical fashion.

I think there are perhaps some differences with regard to the Progressive Conservative Party's position on this bill and the New Democratic Party's position on the bill. I think that our party would agree with the legislation more strongly—we will be voting in favour of it on second reading—than the New Democratic Party, because notwithstanding our concern that the court procedure does seem to fall down in dealing with issues like this, no one has shown, to me at least, at this time that there is a better procedure out there to deal with a very, very difficult problem.

This kind of legislation, when you are dealing with access and custody, who has the right to children and the separation of a marriage contract, of a contract between two individuals who have cared for each other, and often when that is done with a great degree of bitterness, is not an easy social problem to resolve. But the fact of the matter is that it must be resolved in some fashion and it must be resolved in a fashion whereby each of the partners or each of the people seeking access to these children must be dealt with in a kind and gentle manner.

Yet it must be a firm and final matter as well in dealing with children, because children cannot be left in a state of limbo as to whether or not they can see their mom or dad at a certain particular time. While I would like to think that people can sit down and there can be a mediation process where a social worker can say, "Mrs. X, you're not being reasonable in this particular matter and, Mr. X, you're asking for too much here. Therefore, I would like to resolve this matter by saying let's agree on doing this or that," the fact of the matter is that they are in court on this kind of matter because there is a significant disagreement between the two individuals who come before the courts as to what their rights are with regard to seeing their children.

Therefore I do not know of any other mechanism which has the importance in terms of the public eye, which has some finality to it in dealing with an issue that is perhaps more important than the financial aspects of a marital breakdown, than some kind of court process.

#### 1700

I thought that the member for Rainy River, who is a solicitor and has practised some family law, said in his criticism of this particular act that all it will do is make more lawyers wealthier. I can tell him, from my limited experience of practising for about seven or eight years and having handled a number of custody and access



fight that took place, that there is no kind of business in terms of a lawyer's business that is less fruitful than dealing with cases of access and custody.

Notwithstanding the fact that one is trying to represent in a legal way peoples' interests, one also becomes a friend and a confidant of one's client. One becomes a person who is relied on very heavily, who is asked for advice that is legal and nonlegal, one is telephoned in the evening and on the weekend as a lawyer when one is dealing with these particular matters. One cannot simply bill these people, because they cannot pay, either under legal aid or off legal aid, for the kinds of services that one renders.

I really do think it was unfair of the member for Rainy River to attack this particular body of lawyers, who in my estimation are doing a yeoman's service for the public in trying to resolve some very difficult social problems and social issues. I can tell him that most lawyers would prefer that their family law business would go away so they could pay attention to things that were much more lucrative to them, in terms of the dollars and cents of practising law. Again I say that lawyers who get into this business of family law are to be admired rather than slammed.

There has also been some question with regard to the intent of this act. This act does not kick into effect unless there is a problem with an access order that has already been made by the court. So we are not dealing with setting up the rules as to the original access order, or the original rules with regard to the access that spins out of a separation agreement or the access that spins out of a divorce case; we are talking about what happens after that.

I think what the bill attempts to do is deal with the fact that there is still a conflict that exists between the two parties, notwithstanding what one court order has said, and that there is an attempt by one member to exhibit strength over the other parent with regard to the rights he has been given under a court order. In an attempt to do that, there is a very important principle that has to be brought to the fore: that is, if one parent is being denied access by the other parent, it is really not the parents who are suffering, it is the child who is suffering.

Therefore I think that this law is good in that it attempts to bring to the court within 10 days the opportunity to have a hearing. In order to have a hearing we have to give away some of the other parts of our legal system which we normally have built in, in order to ensure that we have a

perfectly fair hearing. Normally in a legal system, you build it up so that when you go into a hearing, both sides have to divulge to each side what in fact their case is, so that when you get in front of the judge, you can meet the case the other side is making.

I have heard it suggested in the Legislature this afternoon that oral arguments would not be satisfactory with regard to discussing an access order which had been breached by one parent or the other.

The problem with that argument is that if you formalize the procedure, if you start building up the procedure for this kind of hearing to have pleadings filed, if you want somebody to put forward their position in an affidavit and then you want an opportunity for the other parent to respond in another affidavit and then you have to set a date for the court hearing and you have to get both parents in that court hearing, what you are doing is setting up a procedure whereby you would not be talking about 10 days. You would be talking about maybe 10 weeks by the time all those things were filed, taken to the proper office, there is time for the other side to get it, to formulate its response, etc.

Notwithstanding that, I think there is a valid criticism that all of the evidence may not get in front of the court in 10 days. There is nothing within this particular legislation which I can see that limits the right of either parent to go back to the court in a more formal sense at a later date and ask for an amendment to the existing access order, which a court has made at a previous time.

I think that notwithstanding the fact that there may be "some injustices" which would take place, the pluses are much better than the minuses. The pluses are that you would theoretically—and I hope that when the administrative and the financing part are put into place you can—get a hearing in 10 days to put forward your concerns about the access to your child. I think that is very important. I also hope that going along with legislation like this, the family court judges would take a much more active role in the trial of the issue of access as it takes place. I think the legislation gives the judge a number of parameters to deal with when he is determining how he is going to resolve the issue when someone has been denied access. The legislation has a lot of pluses going for it.

I think what the member for Markham (Mr. Cousens), in putting forward some amendments, would like to do is to extend this legislation so that other people could enter the fray. I am perhaps not as strong as he would be with regard



to some of those issues, but I really hope the parliamentary assistant for the Attorney General and the Attorney General himself will consider those issues when they get into committee and look at the logic of it rather than placing themselves in a particular corner on a particular issue. I think there is a lot of room, when you are talking with regard to legislation like this, for the Attorney General to be quite open to reasonable amendments with regard to the legislation.

There has been some suggestion that this legislation would create more chaos, more disorder, etc. I hope this legislation, along with some of the other legislation which the Attorney General is bringing forward with regard to the obligation of police to be involved in the enforcement of access orders, would give some teeth to judgements which are coming down from day to day in family court.

1710

I guess a lot of my colleagues on both sides of the Legislature have put forward in the Legislature many of the arguments or concerns I would have about this particular piece of legislation. I will only say that the experience I have had with this kind of legislation has been that, unfortunately, it comes down to the level of trying to moralize in legislation. Basically, what we are trying to set in a piece of legislation like this are moral standards how people should act towards their own children. It is unfortunate our society is at that point today.

I think one of the most unfortunate parts when we are talking about access legislation—I guess one of the better parts of talking about it is that two parents want access to their children, because it was not long ago when I and the member for Carleton East (Mr. Morin), who is sitting here in the Legislature today, were talking with the Carleton Board of Education. One of their greatest concerns is that many parents are walking away from their duties as parents once their children get into the teenage years of their development.

Therefore, while we are talking today about two parents who want access and other people who want access to these children, I think our society is going through a period of time when sometimes parents do not exhibit much desire for any access to their children at all, and that is indeed unfortunate.

I hope that as we go through this second reading, and primarily when we get out to committee, people again will remember the primary purpose of this legislation, and that is to deal with the best interests of the children in

reaching the final compromise as to the rights of both the parents and other family members and other people in society to control those children. We must always remember that notwithstanding an injustice must perhaps be done to a parent, the injustice cannot be done to the child.

**The Deputy Speaker:** Are there any questions and comments?

**Mr. Hampton:** I merely want to reply to a remark made by the honourable member for Carleton (Mr. Sterling). In my statement, I believe I stated that I do not think the bill will solve problems because I think it will lead to more court activity—to more disputes, not less. It will not arrive at and it will not enhance, nor will it contribute to access being exercised, but will lead to more disputes and more arguments over access.

I did not say in a derogatory sense that it will lead to lawyers making pocketfuls of more money. What I had said was that in that sense, it will be a money-maker for lawyers, not that I think solicitors will necessarily be there wringing their hands over this. In my earlier statement, I alluded to the fact that many, many solicitors have said that trying to solve these kinds of disputes in court, looking upon the court as the only way to solve these kinds of disputes, does not result in much success.

I did not intend in any way to cast negative aspersions on the legal profession. I know a great number of solicitors who practise family law. It is a very difficult practice. Once again, as I said in my earlier statement and as the member for Etobicoke-Lakeshore said, merely using more laws or requiring people to go back to court to settle what the court has already been able to do is not what I think is a good law.

**Mr. Offer:** First, I would like to thank the member for his kind opening words, and second, on the bill itself and in particular on the way he has very rightly brought forward the reality of a solicitor acting on behalf of a client in matters, I think this has been very well brought forward in terms of the realness, the reality, the pushes, the pulls, the strains, the stresses and the pressures that the lawyers, as well as their clients, go through in matters such as this. I just want to publicly acknowledge the way in which he has brought that very real matter to the Legislature.

**Mr. Sterling:** I would like to say to the member for Rainy River that perhaps I was a little too harsh in my response with regard to his comments about our solicitor friends. I guess it is just a matter of the fact that the people of the province have seen, through the media, etc., and



in this Legislature, that we continue to hack away at the legal profession. I think that each time that is done in an unfair manner, there should be some kind of response to that. I apologize to him that I responded as harshly as I did.

**The Deputy Speaker:** Thank you. Do other members wish to participate in the debate?

**Mr. Reville:** I am pleased to participate in the debate on Bill 124, An Act to amend the Children's Law Reform Act.

I am pleased for a number of reasons, some of which are intensely personal in nature. I grew up in a household that was partially headed by a lawyer who earned a large part of the family's living in the matrimonial causes field of the law and who subsequently was appointed to the bench and spent a great deal of his time on the bench adjudicating disputes between parents, in which often it appeared the child or children had become a pawn or pawns of disagreements between parents.

I recall with very strong emotion the kind of stress that seemed to place on my father. I know that on one occasion he heard a custody case that went on for 51 court days, and at the conclusion of that case, he had to write a judgement and award custody of the child. I remember him telling me some years later that by that time, both of the parents who were parties to the action had impoverished themselves, necessitated by the huge expense of spending 51 days arguing over which of them should have custody of the children.

Often, the viciousness of that kind of struggle leaves all of the parties to the action in a condition from which it is not easy to recover, both emotionally and psychologically and quite often financially. The fate of the children who are involved in such a legal struggle is something about which we all have concern.

I also had an opportunity as a young man to do a good deal of research on a book my father wrote annotating the Divorce Act. To that end, I read a large amount of law, albeit law relating to the Divorce Act of 1968, and through that exercise had a dose of marital problems from which I wondered whether I would ever recover.

In terms of my own life, regrettably I have had reason to be involved in a family breakup that resulted in a difficult custody action and I have some sense of what it is like for a parent to go through that. As it happened, I was awarded custody of my children in 1972. During one of the access visits my then ex-wife had, she did not return with the children. Three months later, I was able to locate my children in the Yukon, and

through a most bizarre set of circumstances, had to lay charges of abduction against my ex-wife in order to get custody back again.

**1720**

That was a process through which I hope very few people have to go. It was not a process that was of benefit to any of us, let alone the children. I think I have some very strong personal sense of what the problems can be, in respect of access to children, that are experienced by the divorced parents thereof, and as well, a particularly strong sense of how difficult it is for the children involved. I had an opportunity, both through some of the intellectual work I had done and some of the personal experience I had, to do a good deal of reading about the question of best interests of the child, and I am pleased, of course, to see a section of this bill devoted to describing what the court should consider when it is trying to determine what the best interests of the child might be.

In terms of my political life, in my own riding, I have a number of people who are both associated with and served by interval houses. In fact, there is one of the original shelters for battered women and their children located in my riding, Nellie's Hostels for Women on Broadview Avenue. So I have had an opportunity to speak at length, over a number of years, with the providers and the recipients of interval house services. I think I understand the concerns they have expressed and would like to reiterate them now. I know my colleagues will have done that, but I think it bears repeating again.

I think of interventions that have been made in respect of these amendments by Interval House on Huron Street, which runs a shelter there, whose major concern relates to the additional remedies that are provided when problems about access are alleged. I suppose it is not necessary to point out that it is most frequently men who take advantage of access provisions because men do not get custody of their children as often as women do, primarily because they do not seek it as often as women do, although I think when they do seek custody they secure it more often than women do.

The people at interval houses are concerned about the way remedies are being structured in the bill. They object strongly to the use of mediation as a solution to access problems. Of course, they do this because they think—they quite rightly point out—that we are not talking about mediation between equals. I think one of the essences of any successful mediation is that the parties to a mediation approach that media-



tion on an equal footing, and that is definitely not the case for many of the women who are in the care of interval houses because those women are there precisely because they have fled an abusive situation.

It is not possible, they say, and I agree, to mediate fairly when one of the parties to the mediation has lived in fear of her life. The concern is that the judge will direct that mediation occur because the judge is unable to decide between the stories of the two parties and will fall back on this mandatory mediation as a way of resolving a problem the judge has been unable to resolve.

Another flaw in the bill that is pointed out relates to the first amendment, which reads as follows and adds subsection 20(4a) to the Children's Law Reform Act:

"Where the parents of a child live separate and apart and the child is in the custody of one of them and the other is entitled to access under the terms of a separation agreement or order, each shall, in the best interests of the child, encourage and support the child's continuing parent-child relationship with the other."

The request of the women's shelter advocates is that this amendment be deleted from the bill because, as they say, it negates further provisions of the legislation to provide some safety to abused women and their children.

They go on to say that an abused woman should not be asked to "encourage and support the child's continuing...relationship with the other"; that is, the abuser. If she is forced to foster the child's relationship with the abusive father, all of the safeguards included in later amendments are of no value.

They suggest that removing the section would not weaken the bill in any way; rather, it would improve the chances that violence against women would be seriously considered by the courts.

I know a lot of parents who are divorced and who want to continue involvement with the children agonize a good deal about the question of supporting the child's relationship with the other parent, and clearly in the best of all possible worlds we would anticipate that should happen and would happen, and that in fact we should do everything we can think of to foster and encourage the support one parent gives to the child's relationship with the other parent, no matter what disagreements may have driven the parents apart.

Clearly, it is a difficult enough situation for children to see their family broken apart without compounding that by having one parent bad-

mouthed the other parent constantly. All reasonable adults would understand intellectually, if not always emotionally, the need to avoid filling a child's mind full of hate for another parent.

It is, however, unrealistic to require one parent who feels that the other parent has grievously abused him or her to encourage and support the child's continuing parent-child relationship with the other, as the legislation requires, particularly in cases where the parent may have reason to believe that the other parent actually abused the children as well.

### 1730

It is not true that a relationship with both parents is a goal to be sought ahead of any other goal. Again, if we could create a perfect world, we would want to create situations in which a good relationship with both parents, divorced or not, living separate and apart or not, was in fact the case. But there are cases where a good relationship with both parents would not be in the best interests of the child, and I think that fact has been demonstrated clearly both anecdotally and by the literature a number of times.

People who work and live in interval houses certainly do know the dangers that assaulted women and their children face long after they have left an abusive partner. Their experience tells them that often the access to the children is the lever that a parent who would be abusive of another parent uses to get at the other parent. There have been examples of assault and intimidation and, on some occasions, murder of a custodial parent by a parent seeking access; in fact, the access to the children is the way the abusive parent has got at the other parent.

It will have been pointed out that there is a preference that evidence be given in affidavit form rather than oral testimony. That goes to subsection 35a(9). The court, of course, could give leave to file an affidavit, but unless the court did give such leave, the motion would be determined on the basis of oral evidence only. Obviously, the intention in preferring affidavit evidence to oral testimony is that the woman would be better protected if evidence were given on affidavit.

I do not know whether anybody has had a chance to read selected affidavits in these matters. They can be bloodcurdling in the reading. Certainly, oral evidence is often even more emotionally damaging than a progression of words going across the page, no matter how violent the images such words may conjure up. So the view of the Metro Assaulted Women and Children's Advocacy Group is that subsection



35a(9) should be amended to say the motion shall be determined on the basis of affidavit evidence rather than oral evidence.

The major problem, however—and I think this will have been clearly stated and I will be only emphasizing what others before me have said—is that the requirement of mediation as a solution to access causes Interval House and the Metro Assaulted Women and Children's Advocacy Group the most serious problem of all.

I am pleased that this bill will, in fact, go out to committee and there will be public hearings, because I know that the people involved with interval houses, the association of interval houses and particular interval houses, and lawyers who specialize in family law will want to come before the committee and describe their concerns in much more detail, with examples from their own case load and their own experience to show why there is such a serious concern, particularly about mediation as a solution to access.

I think it may have been referred to previously, but the Senate task force on family equity, which was a piece of work done in the state of California in June 1987, points out that there is a tendency to be driven in mediation by the goal of settlement. I know that all of us, as people who attend meetings, are familiar with agenda-driven meetings. You often get the sense that the chair is mainly interested in getting the meeting over with. Rather than dealing with the matters that are on the agenda, he just wants to get to the adjournment part of the agenda. That is sort of an agenda-driven meeting.

Often what happens in mediation—and that is of concern—is that the goal is to get a settlement rather than to achieve the best interests of the child. Clearly, a woman—and in most cases it will be a woman, although it would not have to be a woman; it just has worked out that way—who is a reluctant party to the mediation, having been forced into it by an order of the judge, is going to be likely to participate as an unequal partner in such mediation, and the settlement that is kind of wrung out of the parties to this will, in fact, be in the interest of getting the mediation over with rather than doing that which needs to be done to serve the interests of the children.

I am not sure exactly how you write a piece of legislation to ensure that goal settlement does not take precedence over settlements in the best interests of the children, and I think that is something we would have to take a good deal of advice on. There is nothing wrong, obviously, with mediation in itself. I think it is the notion

that you may not be able to get good results when you force people into mediation, and that is clearly the case when in fact or in perception one of the parties to the mediation is an unequal party.

It is not surprising at all and it is quite appropriate to note that the Senate task force on family equity indicates that the legal duty of mediators should be to assist parents in developing custody and visitation agreements that are based on the best interests of the child. It is also true that whatever can be done to reduce the acrimony and hostility that exists between parents is going to serve the best interests of the children.

1740

I have said this before but I will say it again: A legal presumption in favour of one agreement, that is, one that assures close and continuing contact, does not necessarily serve the best interests of the children. For example, frequent and continuing contact with both parents may not be the best arrangement for children whose parents live in distant geographic areas or may be inappropriate in cases involving parents with drug or alcohol problems.

The frequent and continuing contact provision, which is a provision in state legislation, may also be misinterpreted by mediators to require a preference for joint physical custody agreements, which, of course, is what in fact has taken place in that state and which at least one member of this House has expressed a very strong preference for. I think he is sitting in the wrong chair at the moment—no. The private bill of the member for Etobicoke-Humber, I think, has something to do with an excitement about joint custody which I do not think is warranted.

**Mr. Henderson:** That's where you're wrong.

**Mr. Reville:** I thought that perhaps the member for Etobicoke-Humber would disagree with me, and it is possible that at some point we will have an opportunity to debate that, although it may be that the government House leader will have the good sense to make sure that opportunity does not occur. You cannot always tell these things.

In any event, should that eventuality take place, I would be happy to participate in such a debate, but it would be out of order for me at this point to talk about that because, of course, we are not talking about that at all.

I did want to note, however, just parenthetically, something that was sparked off in my mind when I quoted the Senate task force on family equity report in respect of parents living in distant



geographic areas. I am sure other members of the Legislature will have seen recently in the press an article in which another wonderful piece of jargon has been created, I assume by the family law bar.

It is called the mobility provision and it relates to provisions that are appearing and will probably increasingly appear in separation agreements and custody agreements about whether custodial parents can in fact move anywhere. In the instant case that was described recently in the newspapers, I think it was the mother who had been offered a job on the west coast and was unable to accept it because of a mobility provision.

It just indicates to us, I think, how difficult these situations are, and one has to wonder how best legislators can try to resolve some of these very difficult issues. You can probably find arguments that would say a career change that would benefit a parent might in fact be of more benefit for a child, when weighed against a disservice it might do to a parent who had access and whose access would be made more difficult. I am not quite sure what Solomon can be created to arbitrate some of those kinds of very difficult questions.

I do not believe, as I sometimes believe when I am dealing with government legislation, that the government's attempts to draft legislation that will serve the needs of children and parents or any other of our citizens for that matter—I had better recapture that sentence because it is becoming one of those rambling periods I do not understand, so I think I will start again.

Sometimes I think government legislation is wrongheaded. Sometimes I believe government legislation is in fact malevolent. I do not believe this legislation is either wrongheaded or malevolent. I think it is an honest attempt to deal with a problem that is very difficult to deal with.

I want any of the criticisms I have made to be understood in the light of the feeling I have that the Attorney General and the parliamentary assistant who is carrying this bill so ably on the Attorney General's behalf have done what they think to be a reasonable job of trying to come to grips with this.

I do believe they may be too strongly influenced by some of the interest groups in this regard, but as well, I do not discount the very real feelings of some of the interest groups, and I am thinking mainly of the fathers' rights groups. I believe they quite genuinely feel as though the law has not served them well. To the extent laws can be amended so that everybody is served as best we can serve them, then we should do that.

I think in the end the crux of this debate is around the question of power. I submit most urgently that it is not common for women in our society to possess and exercise the amount of power men do. I think that is wrong, but that is the way things have historically been. That brings me back full circle again to my concern that it will not be possible for the judge to make this mediation an equal mediation between people who come to the table with equivalent power.

This may be a concept that is embarrassing to men. It certainly embarrasses me that these power imbalances continue to exist in our society. However, I am not going to fall back on the fairly common male response of pretending these imbalances do not exist. I have spent enough time listening as carefully as I can to the way many of the women I have described feel about the situation in which they have been put and about the economic and legal powerlessness they feel in this situation.

All of us in our constituency offices know of women who have to stay in abusive situations because they do not have any other choice. If they could, they would gather up the children and run out the door, but they know their economic prospects are so bleak that they have no choice but to stay where they are in the abusive situation. For those women who have left the abusive situation, I think it would be an abuse of this Legislature to require them to sit down in a forced mediation situation with a husband or an ex-husband who had abused them. I think this particular section of the legislation must surely be amended.

I will conclude my remarks with that and I look forward to the widest possible discussion of these and other matters at the public hearings, which I anticipate will take place during the interval.

1750

**Mr. Charlton:** There is not too much time left this afternoon for all the comments I want to make, so perhaps I will just make some general comments about the principle of this bill and the way in which I see, and I think my colleagues in this caucus see, this legislation missing the mark in terms of the issue of children, the rights of children and the real needs of children in cases of questions of access in a broken family situation.

Perhaps a good place to start that discussion is to create for the members of the government party here this afternoon an analogy that comes right out of the family law situation as we have seen it evolve in Ontario, and elsewhere, for that matter, as well.



We now have set up in Ontario a mechanism to deal with the question of default in terms of support payments. If members think back over most of the comments that have been made from this side of the House about this bill this afternoon, it has been about litigation, about throwing the problem back into the court versus a mechanism to resolve the question of access. What this bill does not contain is an effective mechanism to resolve the problem.

Again, I go back to the analogy and the question of support payments. For years, spouses who were entitled to support, support which in most cases was ordered by the courts of this province, had the option of continually going back to court to resolve problems when there were nonpayment situations.

In this Legislature, I think we should be attempting to learn from the situations we have seen in the past and to learn from the ways in which we have had to try to move to resolve those situations. We finally had to move in this province to create a mechanism to resolve situations in terms of nonpayment of support other than continually going back to the courts to force payment. We set up a mechanism to do that. It took a long time.

Most of the comments I have heard from all sides in this debate are sincere in terms of wanting to address the problems of access for parents as well as protecting the interests of the children, but we are not going to resolve those problems in a litigative situation, and we are not going to resolve those problems in a forced mediation situation either.

I guess it becomes apparent, therefore, that on the one hand the government wants to address the problem and we get Bill 124; on the other hand, it is not really prepared to face the reality of what is required to effectively address the problem.

Over the course of the last number of weeks and months we have heard a number of questions raised in this House by the member for Etobicoke-Lakeshore and a couple of other members, questions that were directly related to agencies in this province, that specifically related to agencies that deal with providing a real solution to the question of access in cases where there is a need for the agency because the two parents in question do not want to see each other, or at least one of the two does not want to see the other because of a past abuse situation or because of any number of other emotional reasons, and that agency can in fact provide a neutral go-between between the two parents, the one having custody and the other seeking access.

As well, we have those very difficult cases that we hear about from time to time in our constituency offices and read about in newspaper stories on a fairly regular basis, where for whatever reason, because of a reason of abuse of the child or of a drinking problem of the parent seeking access or any number of other emotional or social problems that can evolve in a situation like that, we see on the one hand parents who have the need to seek access to their children and on the other hand, in the child's best interests, there is a need for supervision of that access. This legislation does not effectively address any of those realities. Those realities have become barriers to resolving the question of access.

A number of my colleagues have also commented on the question of mediation. I listened earlier today to the remarks of the member for Markham when he addressed the question of mediation. He was not very clear, and my colleague and friend the member for Rainy River got up and asked him, in the questions-and-comments period after, how he saw the question of mediation working. Should it be compulsory mediation, should it be mediation when one of the parties requests mediation or should it be mediation that occurs only when both of the parents and the children all agree to a mediation process?

I think if each of us stops and thinks carefully about some of the people we know personally in our lives who have suffered through broken marriages, some of the people who have talked to us in our constituency offices and elsewhere about their own legal problems around a marriage breakup, a family breakup and questions of access to children and the whole range of problems that grow up, emotional problems and real problems sometimes in terms of questions of abuse and others, the mechanism that we create has to be one that is flexible and understanding of the full range of problems that confront people, which are different from the last set of problems suffered and endured by the last set of people who were confronted by what may appear to somebody who has not been through it a similar situation.

It becomes difficult for the courts and the litigative process to deal with that in a fashion that will ever get to the problem and find a resolution.

This is one of the reasons a number of us have chosen to address this bill, not that any of us particularly feel that we are expert in the field or have all of the answers to the kinds of emotional and social problems that confront people in this

kind of a situation. I think we do feel fairly strongly that in the same way that the court system in this province has failed in the past to be able to resolve the kinds of social and emotional problems that accompany a marriage breakup, the court system will fail to address adequately the problems that we find here around questions of access.

I see the Speaker rising. I guess the clock has reached six of the clock and I will move the adjournment of the debate.

On motion by Mr. Charlton, the debate was adjourned.

The House adjourned at 6:01 p.m.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC

- 
- Adams, Peter (Peterborough L)  
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 Beer, Charles (York North L)  
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 Fleet, David (High Park-Swansea L)  
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 Lipsett, Ron (Grey L)  
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 McClelland, Carman (Brampton North L)  
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 McLean, Allan K. (Simcoe East PC)  
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 Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)  
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 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
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 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
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 Owen, Bruce (Simcoe Centre L)  
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**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
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 Reycraft, Douglas R. (Middlesex L)

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 Ruprecht, Tony (Parkdale L)  
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 South, Larry (Frontenac-Addington L)  
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 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
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 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
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 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**

Thursday, January 5, 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, January 5, 1989

The House met at 10:03 a.m.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### EASTERN ONTARIO ECONOMIC DEVELOPMENT

Mr. McGuinty moved resolution 53:

That, in the opinion of this House, the positive initiatives of the government of Ontario since May 1985 regarding eastern Ontario economic development be commended and supported and that the government of Ontario be urged to continue this new higher level of support and encourage the government of Canada to support these efforts.

**The Deputy Speaker:** Mr. McGuinty has moved the resolution standing in his name. The member has up to 20 minutes to make his presentation and may reserve any portion of those 20 minutes for the windup.

**Mr. McGuinty:** I am pleased to offer this resolution because, during the first year of my service as MPP for Ottawa South, I had the honour of acting as chairman of the government's eastern Ontario caucus and also the Ottawa-Carleton caucus, which is a subdivision within the larger whole. The eastern Ontario caucus has been particularly active during the past year with the purpose of asserting the presence of the government in eastern Ontario. Outreach programs were held in Cloyne, Kingston, Eganville and Hawkesbury, and one is to come in Cornwall within a few days.

The purpose of these programs is to allow government representatives to meet with municipal officials, businessmen, associations and others, to listen and to bring back to Queen's Park the concerns expressed by local people. While at Queen's Park we are concerned with the formulation of policies, politics is not merely policies; politics is people. We travelled to outlying parts of eastern Ontario, listened to people and brought back their concerns to Queen's Park.

The eastern Ontario caucus is further broken down into the Ottawa-Carleton caucus with eight

members representing constituencies in that regional municipality. The Ottawa-Carleton caucus meets monthly in Ottawa and receives briefs from various bodies dealing with matters which transcend riding boundaries.

Groups presenting briefs included boards of education, hospital boards of directors, district health councils, the acquired immune deficiency syndrome committee, the children's aid society, universities and visiting homemakers. In all, some 40 groups made presentations while I was chairman. In addition, the caucus met with various local ministry officials to ensure that members of caucus were better informed of the work of these ministries in the area.

Whether with regard to health services, education, transportation, housing or day care, the caucus brought back to respective ministers the concerns of people. Particularly effective were our presentations at Queen's Park to the Treasurer (Mr. R. F. Nixon) and other ministers with regard to hospital budgets and school board allocations. I am pleased to report that allocations to hospitals in eastern Ontario were some 18 per cent higher than the provincial average.

In this way, the elected members at Queen's Park from eastern Ontario provided an open line of communication from groups, associations, regional bodies, municipal politicians and others to Queen's Park. While a caucus can claim no direct causal relationship in every case between its representations to various ministers and funds allocated, there was definitely an influence for good exerted in this regard.

In total, over \$1 billion was allocated by various Ontario ministries to eastern Ontario in 1987-88, a lot of money. At last, the people of eastern Ontario are getting the kind of good government they deserve from Queen's Park. I meet these people, and from Killaloe to Cloyne, Kingston to Cornwall and Osceola to Ottawa they are saying, "Thanks a billion."

Included in this total is over \$275 million for community and social services; transportation, \$266 million; health, \$139 million; industry, trade and technology, \$71 million; environment, \$65 million; skills development, \$57.7 million; education, \$40 million; housing, \$27 million; colleges and universities, \$26 million; tourism,



\$4.6 million; culture, \$3 million. This compares very favourably with allocations by the previous government and with the Conservative government in Ottawa.

In addition to grants, ministers have personally visited people in eastern Ontario to hear their concerns at first hand as never before. We are an open government that listens to the concerns of people throughout Ontario. Our Minister of Health (Mrs. Caplan) made four visits to the Ottawa-Carleton region and the Ottawa Valley last year, meeting with boards of directors, health councils and others involved in the provision of health services.

Our Minister of Tourism and Recreation (Mr. O'Neil) visited widely with those involved in the tourist industry in eastern Ontario, as did our Minister of Culture and Communications (Ms. Oddie Munro), our Minister of Colleges and Universities (Mrs. McLeod), our Minister without Portfolio responsible for disabled persons (Mr. Mancini) and our Minister without Portfolio responsible for senior citizens' affairs (Mrs. Wilson).

#### 1010

Our Minister of Industry, Trade and Technology (Mr. Kwinter) recently announced a \$25-million economic development program under which his ministry will provide technical and financial assistance to eastern Ontario communities to develop strategic economic plans and to fund specific strategic projects associated with these plans.

The object of the program is to promote a balanced economic growth in eastern Ontario and to foster community self-reliance and local initiative in programs designed to encourage and support communities to work together in undertaking strategic planning to enhance their long-term economic development.

The aim of this program is to foster co-operation between communities and to provide wide-scale benefits such as more effective co-ordination between federal and provincial economic programs. In the long term, this improved level of economic activity will lay the groundwork for a more balanced regional growth, new jobs and a higher degree of community ownership.

As a teacher for over 30 years, as a trustee for 16, I think that perhaps the most notable achievement of this government has been the establishment of a homogeneous French-language school board which would regroup all the francophones of the Ottawa-Carleton region from kindergarten to grade 13.

I dealt with this matter during my 16 years as a school-board trustee and over 30 years as a university professor, and with regard to this and to other matters in eastern Ontario, particularly with regard to education, in days past we sometimes had the distinct impression that Queen's Park was 2,000 miles away.

This seemed most obvious with regard to the question of the francophone school board in Ottawa-Carleton, and many people in eastern Ontario experienced over the years of past governments a pattern of foot-dragging and less than enthusiastic recognition of Ontario francophones' reasonable and just demands.

I can remember from personal experience in days past when the school dropout rate of the French was tragically higher than the norm. During the 20 years when this matter was discussed one fact emerged with abundant clarity, and that was simply that the francophone community wanted its own school board. This hope was a logical evolution from the scandalous situation a few years ago when it did not even have its own schools, and the support for the board was endorsed by the Mayo commission, by municipalities, local school boards and teachers' groups.

The formation of the francophone board was logical because it is to be expected that trustee members of the francophone community immersed in its culture, speaking its language, would be more understanding, responsive and sympathetic to these schools by virtue of their particular identity and particular needs with regard to books, busing, staff and programs. Control of the means best serves young francophones surrounded by an anglophone environment.

It is surely right and reasonable that these schools should be developed by francophones and for francophones. I am very proud of the good work of my government in this regard.

As parliamentary assistant to the Minister of Skills Development (Mr. Curling) I am delighted to report that the activities of the Ministry of Skills Development are particularly impressive in eastern Ontario. As mentioned earlier, \$57.7 million were allocated in 1987-88.

Ministry programs are delivered through community colleges in Nepean, Belleville, Brockville, Cornwall, Kingston, Peterborough and Lindsay. There are 10 skills development offices located in eastern Ontario. These offices served 1,300-plus employers in 1987-88, and in eight months of 1988 they served 1,375. The Ontario skills program provides partial support



for the direct cost of workplace training, and from April 1, 1988, to October 31, 1988, 1,853 employers accessed this program in eastern Ontario.

Of the province's 55 community industrial training committees, 12 or 22 per cent of the whole are operative in eastern Ontario, bringing together business and labour, education and government to identify and respond to local training needs.

The Ontario basic skills program allocation for eastern Ontario by the Ministry of Skills Development has been \$2.5 million in both 1988-89 and 1987-88, representing 13 per cent of the total provincial allocation. This program provides literacy and numeracy and other basic training.

Eastern Ontario is served by seven district field offices of the apprenticeship branch, in Ottawa, Brockville, Cornwall, Kingston, Pembroke, Peterborough and Belleville. In 1988, from April to November, over 1,600 new apprentices were registered.

The Futures program is active, with 10,371 or 28 per cent of the young people availing themselves of this program in Ontario as a whole coming from eastern Ontario. The Transitions program, which gives a credit of \$5,000 to older people for retraining in the workplace, has taken care of 389 people in our region, or 20 per cent of the provincial whole.

Perhaps equally impressive, meaningful and more convincing regarding the action taken by the government to assert its presence in eastern Ontario is an account of a recent tour that the Minister of Skills Development made. Meeting with the Minister of Mines (Mr. Conway) in Pembroke, we went on to meet with the Renfrew County Board of Education; drove over to Killaloe and met community groups there which had been subsidized through the ministry and from Killaloe down through the residential part of the Ottawa Valley to Eganville and Douglas; bypassed Osceola because we hit it at the rush hour and went on to Arnprior and Renfrew, where we visited factories whose skills training had been supported. One of the highlights of the visit to the Arnprior plant where we provided funds for Japanese-second-language training was to hear Ottawa Valley natives speaking Japanese with an Ottawa Valley accent.

In these ways, firsthand involvement with communications with such groups as we met at Pembroke, Killaloe, Eganville, Renfrew and Arnprior by the minister and his staff asserts the presence and the concern that our government has for the people of eastern Ontario. Such tours

facilitate communication and bring ministers in firsthand contact with the needs and problems of those who avail themselves of our ministries' facilities.

The guiding norm for ministerial contacts with the people of eastern Ontario has been based on a simple principle. That norm has also guided the activities of our caucus with its Outreach program in the various parts of the eastern Ontario region. That is, very simply, politics is not merely policies; politics is people. This government has as its foremost aim to serve the needs of people, and this we have done and will continue to do in a manner not common in days past, through the work of the eastern Ontario caucus and our ministers, to assert the concerned presence of our government for eastern Ontario.

I thank you, Mr. Speaker. I will reserve the rest of my allotted time for rebuttal at the close of this important debate.

**Mr. Runciman:** I very much appreciate the member for Ottawa South (Mr. McGuinty), so it is difficult to be overly critical, but I have often heard that academics lack imagination, and this sort of self-congratulatory pap confirms that in my mind. I think the member and most of the so-called eastern Ontario Liberal caucus must have sore arms from continually patting themselves on the back.

When I take a look at the intent of this resolution, really, I do not know whether to laugh or cry. It is indeed quite sad when you take a look at the reality of the situation with this government, now in power for almost four years.

If we want to talk about the Ottawa caucus, the member for Carleton (Mr. Sterling) raised the issue just this week with respect to the government's closing down the innovation centre in Ottawa and the impact that closure is going to have on that important part of the province and inquired, "Where was the Liberal caucus when that was occurring?"

Recently, we have had the government announce with great fanfare something it is calling the eastern Ontario community economic development program. I want to read into the record some excerpts from an editorial that appeared in the December 28 issue of the Prescott Journal.

#### 1020

"The 'Alice in Wonderland' logic of the powers that be at Queen's Park has struck again and a number of Eastern Ontario communities, including the town of Prescott, have once again found themselves holding the dirty end of the stick."



It goes on and then it says: "Unfortunately, many area officials later learned that all that glitters is indeed not always gold and while there still is \$25-million in provincial funding to be had, there are also a number of loopholes and conditions which mean that the money won't be going to areas where it is needed the most.

"The whole mess is a larger version of the old saying, 'You can't get a job without a union card and you can't get a union card without a job.'

"For years Eastern Ontario residents have felt alienated and ignored by those in Toronto and central Ontario who seem to have all the power and make all the decisions. The Eastern Ontario Community Economic Development Program was designed to change all that and it has failed before it has even started.

"Once again Eastern Ontario people have seen how 'the more things change, the more they stay the same.'"

I think that I had difficulty with the program from the inception, without getting into the nuts and bolts of how it was going to work, which took, I think, close to a year and a half from the time it was announced in the budget until the formal announcement of the program a short time ago.

When we talk about \$5 million per year being injected into the region over five years and when we look at it on that basis, it is not a great deal of assistance, when we look at things occurring in the Toronto area like 30 million of provincial taxpayers' dollars going into the most opulent stadium in the country. We see provincial taxpayers' dollars going into an opera centre in downtown Toronto. We see millions and millions of dollars going into the waterfront in downtown Toronto: taxpayers' dollars, Ontario taxpayers' dollars, eastern Ontario taxpayers' dollars.

We can go on and on ad nauseam in respect to the significant amounts of funds that are being funnelled into Metropolitan Toronto in southern Ontario from taxpayers right across this province. We are supposed to be terribly enthusiastic and pleased about the provincial government giving us poor folks down in eastern Ontario \$5 million a year for five years, which in fact is not going to help many of the communities that are facing difficult circumstances.

One good thing about this particular program, I will say, is that apparently they have eliminated the Ottawa-Carleton area from the program, and I think that is an appropriate move. Too often programs are applied province-wide and do not recognize the different circumstances in the

various regions, and that certainly applies to eastern Ontario as well.

Ottawa-Carleton is one of the most successful areas in eastern Ontario—I would say perhaps the most successful—and having the federal government centred there is one of the prime reasons for that, I would suggest. But a study carried out by the federal government a little over a year ago showed that when you take a look at the statistics of people and families earning under \$10,000 a year and families earning under \$5,000 a year, eastern Ontario has the highest percentage of people living on less than \$10,000 a year and less than \$5,000 a year. That is the reality of the situation. It is not the glorious picture the member for Ottawa South was trying to paint a few moments ago.

I want to talk about some of the things the government could be doing in this area. One of my complaints over a great many years is the fact that there is no recognition within government of a clear definition of just what constitutes eastern Ontario. Every ministry has a different definition. In some instances we have eastern Ontario, through the Eastern Ontario Development Corp., extending up into the Oshawa area. We have the program that I just mentioned going up into the Peterborough area. We have various definitions within various ministries.

I think the bigger that one makes that pie in terms of the people eating from it, the real eastern Ontarians are the folks who suffer. I think that has been a problem for a great many years—and I am not laying that solely in the lap of the current government, but it is something that this government has failed to address. I hope that it will indeed take a hard look at it, work with the Association of Municipalities of Ontario to develop a standard definition of eastern Ontario and then use that definition with all ministries in this province.

I want to talk about the fact that the Premier (Mr. Peterson) has seen fit to appoint, I believe, an assistant deputy minister for Metropolitan Toronto in the Ministry of Intergovernmental Affairs. This is a minister who is going to work with various ministries and work with the local governments within Metro to try to resolve problems and concerns within Metro.

Okay, that may be fine, but again, it is a case of Metro's problems being the focus of this government, Metro concerns being the focus of this government.

We have a Ministry of Northern Development. We have an assistant deputy minister in the



Ministry of Industry, Trade and Technology dealing with northern Ontario.

What does eastern Ontario have? Nothing. When officials from eastern Ontario met with seven officials from the Ministry of Industry, Trade and Technology to talk about eastern Ontario, there was not one member of the ministry sitting there with any knowledge or any background of eastern Ontario. That is the reality.

**Mr. Mahoney:** They've got a development corporation down there. That's the reality.

**Mr. Runciman:** The reality is that is not functioning as it should, and I am not going to get into interjections with my limited time.

I have talked about Toronto, the focus on Toronto, and I think one of the initiatives this government could undertake is also to follow suit in terms of what it has done for Metro Toronto: appoint an assistant deputy minister in the Ministry of Intergovernmental Affairs to deal with eastern Ontario matters.

I am not talking about a significant enlargement of the bureaucracy. I am talking about two or three people to co-ordinate efforts to ensure that there is a significant voice at the senior levels within government bureaucracy to deal with eastern Ontario concerns. That is all I am asking for, and I think it is an appropriate initiative, based on what the Premier is doing with respect to Metropolitan Toronto.

I want to take a look at meaningful initiatives in eastern Ontario. We have a land bank, 10,000 acres in Edwardsburgh township, owned by this provincial government. What is being done about that land bank? Absolutely nothing. Nothing is being done to promote it.

If it wants to do something meaningful, why does the government not look at developing a program of providing hard services for the development and expansion of industrial parks in eastern Ontario? That is the kind of program that is going to get people who are coming into Metropolitan Toronto, which is facing congestion, increased crime, rocketing housing prices, a multitude of problems, but they are still coming here because this government is not encouraging them to take a look at other areas of this province, especially eastern Ontario.

They can do that by coming up with some innovative programs. They have a 10,000-acre land bank. Why do they not go in there, service that and make it available, at cost, to industry? That would be a tremendous incentive to get industry into eastern Ontario.

Why do they not look into providing programs of low-cost loans to a variety of small and medium-sized municipalities in eastern Ontario to extend services in existing industrial parks and to develop new industrial parks?

That is the kind of meaningful initiative that they should be undertaking, and up to this point, what do we have the eastern Ontario members of the government doing? Getting up and congratulating themselves, slapping themselves on the back at every opportunity and not really giving us a meaningful voice on the government side of the House.

We do not have a minister with significant impact in that government. We do not have one minister from eastern Ontario in an economic portfolio. This government is really continually ignoring the very valid concerns of eastern Ontario.

**Mr. Cleary:** As chairman of the eastern Ontario caucus, I am pleased to have the opportunity to speak on this resolution.

Before I begin my address, I must think of the positive approach the Ontario government has taken to eastern Ontario.

I would like to congratulate the member for Ottawa South on his excellent speech. Like the member for Ottawa South, I must commend the efforts of the Liberal government since coming to power in 1985. The residents of eastern Ontario can rest assured that the government's unprecedented efforts to recognize the interests of this region will continue in the coming years.

Less than one month ago, on December 12, I had the honour of attending the Ministry of Industry, Trade and Technology's announcement of the eastern Ontario economic development program, a five-year, \$25 million development plan. The plan relies on local initiative. For its part, the ministry will provide technical and financial assistance to eastern Ontario communities.

As a result of this technical and economic assistance, the eastern Ontario communities will develop strategic economic plans and fund specific strategy projects associated with these plans. Under the program, municipalities are encouraged to group together at the county level to work on planning, implementing and strategies for growth. Thus the counties of eastern Ontario will be mapping their own destinies. The fact that eastern Ontario economic development programs do not include the Ottawa-Carleton region should not be viewed in a negative light. The Ottawa-Carleton region already has extensive planning resources at its disposal and



already has developed a sound long-term economic strategy.

### 1030

The improved level of economic activity which will be stimulated by this economic development plan will lay the groundwork for eastern Ontario and a more economically balanced region. There will be growth, a higher degree of community ownership and new jobs in sections of eastern Ontario which have not already been as fortunate as the Ottawa-Carleton region.

While addressing some of the government of Ontario's initiatives in eastern Ontario, I will limit myself to speaking on the progress that took place since September 1987 when I had the honour of being chosen to represent the people of Cornwall at the Ontario Legislature. Further, I will focus on economic initiatives in relation to tourism, recreation, skills development, housing and the Eastern Ontario Development Corp.

The Ontario government has not only recognized tourism as vital to eastern Ontario, it has created Destinations East, a program designated to propose and enhance tourism and recreation in eastern Ontario. Under the program, eastern Ontario municipalities, the private sector, tourism developers and tourist-oriented nonprofit organizations are eligible for funding as long as their activities have the potential to improve tourism in eastern Ontario, create new jobs and increase tourism opportunities.

Funds can be used for everything from developing tourist facilities to funding feasibility studies for determining the merits of a tourist project to assist tourism businesses to put together marketing strategies for the first time. One of the local motels in my riding was awarded a \$10,000 marketing assistance grant for marketing a campaign and a bus tour market in Ontario, Quebec and the northeastern United States.

In the past few weeks another motel received over \$27,000 to assist in an upgrading project. The project is an excellent example of how eastern Ontario can improve its position as a first-choice tourist destination.

The Worldfest/Festimonde Cornwall, a nonprofit organization that organizes an annual multicultural festival and attracts talented folk groups from every corner of the world, benefited from a \$23,950 grant. Worldfest is using this money to provide a video and a brochure to attract corporate investors.

Tourism grants which directly and indirectly stimulate eastern Ontario's economy have also taken the form of capital grants for new

recreation facilities. In the past year the township of Cornwall, received a \$220,000 grant to construct a bicycle path. To illustrate his ministry's commitment to the development of eastern Ontario's economy through tourism and recreation, the Minister of Tourism and Recreation was on site at the official opening.

My colleague the member for Ottawa South (Mr. Chiarelli) talked at length about the government's interest in the eastern Ontario economy, with the Minister of Skills Development touring the region.

I would also like to deal with the Ministry of Skills Development's commitment to eastern Ontario. In my own riding the commitment was made evident in the ministry's renewal of funding for the Cornwall Youth Employment Counselling Centre.

In May 1988 the centre received \$107,256 from the ministry. The counselling centre is a community-based organization to help unemployed youth. The centre raises money for the community and the moneys raised are then matched by funds from the Ministry of Skills Development. This is the fourth year that the community has provided such support for the Cornwall centre. During the past year the centre has served more than 850 young people.

The young people of Cornwall, like those in other communities across Ontario, are the key to our future economic stability. The government's efforts on the part of eastern Ontario youth are a concrete indication of its commitment to the eastern Ontario economy of tomorrow.

The government attempts to alleviate illiteracy will also provide a boost to the eastern Ontario economy. Illiteracy, as we know, is a problem that plagues many Ontarians. Individuals who are not functionally literate will have countless problems in their efforts to participate in Ontario's economy. To combat some of these difficulties, the Ontario government, through its Ministry of Skills Development, provides Ontario communities with literacy grants. The grants are also given to nonprofit community-based organizations to provide basic literacy programs for adults. In Cornwall, the Association canadienne-française de l'Ontario and the Tri-county Literacy Council both receive \$33,000.

Another Skills Development program benefits Cummins Recon, a Cornwall company that builds diesel engines. The company received \$122,730 to set up a workplace literacy and skills program. The funds will be used to increase workplace literacy as well as a hands-on training session assisting women developing the skills of



nontraditional occupations. The employees benefit by acquiring not only the basic skills but updating of training as well. The company and the economy as a whole benefit through an ample supply of skilled workers.

When the government's new economic development plan started and got into full swing, local economic strategies in my riding can call on the Stormont Dundas and Glengarry Industrial Training Council, a community industrial training council that operates in the heart of my riding. This organization, which is made up of members of various backgrounds, provides a source of planning knowledge and can be relied on to participate in the training needs.

In essence, as employers become increasingly aware—

**The Deputy Speaker:** Your time is up. I am awfully sorry. The member for Sault Ste. Marie.

**Mr. Morin-Strom:** I am pleased to speak to this resolution with regard to economic development in eastern Ontario. Although I am not a member representing a community in eastern Ontario, I do understand the concerns of areas outside the heartland of the Golden Horseshoe of Ontario, being a member from northern Ontario. We in the north experience similar problems to those communities in eastern Ontario with regard to economic development and in particular with regard to getting this government to act on their behalf to stimulate economic development in those important regions of our province.

I find it interesting that the Liberal government and its backbench members from eastern Ontario can do such a job of patting the backs of the government in terms of initiatives for that region, when in fact the feeling in that region is quite the contrary when it comes to those economic development initiatives. I would just look at what the reaction has been to initiatives in terms of eastern Ontario economic development, in particular the major announcement recently by the Minister of Industry, Trade and Technology with regard to the eastern Ontario community economic development program.

This initiative has not been well received in eastern Ontario, particularly with regard to smaller communities, those communities that really do need the economic development in those regions.

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I will just quote briefly from an editorial from the Prescott Journal, a paper that I think reflects one of the smaller communities in eastern Ontario and the sentiments of people in that region. Its editorial of December 28 starts, "The

'Alice in Wonderland' logic of the powers that be at Queen's Park has struck again and a number of Eastern Ontario communities, including the town of Prescott, have once again found themselves holding the dirty end of the stick."

The editorial goes on further in terms of this particular development project and states, "Unfortunately, many area officials later learned that all that glitters is indeed not always gold and while there still is \$25-million in provincial funding to be had, there are also a number of loopholes and conditions which mean that the money won't be going to areas where it is needed the most."

The editorial concludes: "For years Eastern Ontario residents have felt alienated and ignored by those in Toronto and central Ontario who seemed to have all the power and make all the decisions. The Eastern Ontario Community Economic Development Program was designed to change all that and it has failed before it has even started."

"Once again, Eastern Ontario people have seen how 'the more things change, the more they stay the same.'"

In terms of this government's initiatives for eastern Ontario, one has to question where it is going and whether initiatives like this are new funds, new programs or just replacements for other programs that are being cut by this government in the same region.

I point out that just yesterday in question period, we had a question from the member for Carleton (Mr. Sterling) with regard to the innovation centre at the University of Ottawa and the closing of that centre that has recently been announced by this government.

The answer from the Minister of Industry, Trade and Technology was: "It was decided the money could be spent with greater effect through other programs that are in place. As a result, the decision was made to inform the various innovation centres that after their term was up, which is now going to be the end of the month, they are going to be wound down."

We have a clear statement from this government that what is happening is that programs are being cut in order that the funds be spent in other areas. These kinds of major announcements are not new funds, but are just taking funds that had been going into other programs in the region.

When it comes to economic development in eastern Ontario, as in northern Ontario, one of the major initiatives in recent years from the government has been the development corporations. There are both the Northern Ontario



Development Corp. and the Eastern Ontario Development Corp. But if one looks at the amount of funds that has gone through these development corporations, one sees that the recent Liberal government has been underspending the budget provided to these development corporations in both these regions, and in fact the total budget is down considerably over the last five years.

I have the figures here in terms of the estimates budget figures for the Ministry of Industry, Trade and Technology. If one goes back five years to the last full fiscal year before the Liberals got into government, the actuals for the year 1983-84 show that the actual spending in the Eastern Ontario Development Corp. was \$8,195,000; more than \$8 million. I look at what the estimates are for the current fiscal year, five years later, 1988-89, and the amount in the budget is \$3,993,000—under \$4 million.

We have gone from a budget of more than \$8 million for the Eastern Ontario Development Corp. to a current budget of under \$4 million, a cut of more than \$4 million in terms of annual funding in that development corporation. That is the kind of commitment we have seen for development in eastern Ontario, and it is similar to how this government has treated other outlying areas of the province as well.

I point out as well that just yesterday, in the standing committee on resources development, we started the budget review of the Ministry of Transportation and we had the major opening remarks from the Minister of Transportation (Mr. Fulton) with regard to initiatives in transportation. If there were ever an area of economic development of importance to outlying regions of this province, it is our transportation infrastructure, and in particular our highways.

Let's look at what this government says are its new major expansion projects already under way or to commence in 1989. The minister lists them and they include the E. C. Row Expressway in Windsor; Highway 406 to the city of Welland; Highway 410 from Highway 401 to Bovaird Drive in Brampton; Highway 403, Brantford to Ancaster; Highway 115 from Highway 35 to Peterborough; Highway 401 from Neilson Road to Brock Road in Pickering; Highway 401 within the city of Cambridge, and Highway 69 from Waubesaushene to Port Severn. A very high priority for the ministry is the construction of Highway 407 from Highway 27 to Dufferin Street. These are the expansion priorities for the Ministry of Transportation in terms of highway development.

I think anyone who looks at that list will recognize none of them are in eastern Ontario. Eastern Ontario is not a priority in terms of economic development or development of the infrastructure in this province. We in northern Ontario know that we have not been a priority of this government and have got less than our share of spending by this government. The same certainly applies to eastern Ontario. That continues to be the case the longer this government has the kind of representation it does and the lack of input, particularly from the backbench Liberal members who have not been effective in advocating for their own residents in that part of the province.

We look at the rail sector. We did not see the provincial government active in trying to protect the overnight rail service between Ottawa and Toronto, a service that has been threatened and is of vital importance to that region of the province. In fact, in the Ministry of Transportation, as in other ministries, the priority is greater Metropolitan Toronto. The priority of this government is to enhance the growth and continue the growth of the Metro area.

We should be looking at what kind of development possibilities exist in other areas of the province. We could have a more balanced economy in this province. We should have economic stimulation in areas such as eastern Ontario. That is a very important region of this province. It has a very strong growth centre potential around the city of Ottawa, but much more can be done in a lot of the smaller communities in eastern Ontario to stimulate economic development in those areas and provide a better way of living for everyone in eastern Ontario. I encourage this government to do so.

**The Acting Speaker (Mr. M. C. Ray):** The next speaker is the member for Frontenac-Addington (Mr. South).

**Mr. Cureatz:** Wait a minute. We have a rotation here, Mr. Speaker.

**The Acting Speaker:** Excuse me, the third party, the member for Durham East.

**Mr. Cureatz:** As you were casting your eyes about, Mr. Speaker, I know that for some strange reason you missed my obvious presence. Now that I am here, it is a great privilege to have the opportunity of speaking to this resolution by the honourable member for Ottawa South.

I am so flabbergasted by the resolution that I am almost at a loss for words. However, from the depth of my soles on the bottom of my shoes, I have been able to gather up one or two trivial bits of thought about this resolution. Of course, for



any of the lawyers who are listening this a.m. and, if not, maybe on the repeat tonight, I will have to begin, and the lawyers will appreciate this, by saying that I have nothing but the highest respect for the honourable member for Ottawa South.

This should lead into the obvious fact that this resolution is absolute b-u-n-k. I did not do very well in spelling. Does that spell bunk? Because that is what this is. I am embarrassed profusely for the honourable member for Ottawa South, for whom I have nothing but the highest regard—a man of his stature who has a very large family, most of whom voted for him and that is why he got elected. He is a presence in the educational field.

**1050**

As a matter of fact, when I grasp through my memory banks all the various attributes this member has, I am flabbergasted he has come forward with this kind of nonsense. I am really getting worked up now. I mean, of all the things—oh, I almost felt like saying something that would be unparliamentary—a Liberal backbencher could be doing.

Do you know what I have to do for a moment, Mr. Speaker? I have to go into my backbench speech because the member has not learned a thing yet in a year and a half. I started off a year and a half ago and I said: “Now, Liberal backbenchers, here is how this game is played. Listen very closely.” Of course, it is the old story. If you want to fool them, tell them the truth because they do not believe you. I am going to try to tell him the truth again.

I say to the member for Ottawa South, bringing forward this resolution does absolutely zilch for him; nothing at all. What is he going to do? Go back to his riding and say, “I spent half a morning at Queen’s Park bringing forward a resolution complimenting what a great job the Premier (Mr. Peterson) the member for Renfrew North (Mr. Conway), the member for Brant-Haldimand (Mr. R. F. Nixon) and the member for St. George-St. David (Mr. Scott) have done.” I mean, really, in his riding, who cares? Does he think they are that concerned that he is complimenting the people who are really running the show?

Few people have the opportunity, first, of getting elected, and then getting on the ballot to present to these chambers a possible piece of legislation or a resolution. We all know that process. Holy smoke, you have to go through the gauntlet. Finally, the member for Ottawa South comes forward.

I have to say selfishly—I am not even getting into my remarks, doggone it—that when I evaluate my opportunity of speaking in the morning for private members’ hour, I take a look and say: “What would be helpful for the people of Ontario? What might be beneficial for the people in my riding?” That is so at some future time I can come forward either through a newsletter or at election time and say: “On behalf of all of you in Durham East, I had this proposal brought forward. I spoke on your behalf and I brought it forward to the Legislature.”

Now, Dalton—I have to call him Dalton; we have been on committees together and we have had a couple of chuckles—how in the heck are you selfishly going to be able to use this? Know what happened? I can remember when I once sat over there where the member for Essex South (Mr. Mancini) is. George Ashe—who then outmanoeuvred me and got into cabinet way before I ever did, and of course I guess this is how he got into cabinet—at private members’ hour brought forward a resolution that they should be electrifying the rail train from Oshawa to Windsor or something.

I went over to George and said: “You know, George, actually that was not a bad idea. As a matter of fact, it is a good idea, and I know you; it did not come from you.” He laughed a little. He said: “You are right. I got it from someone on the front bench.” I said, “Aha, so someone is feeding old George and he is playing the game.”

The member for Ottawa South has fallen right into the trap. Someone over there—it must be the member for Renfrew North. He is the only one I can think of who would be suave enough to cajole him into coming forward with this resolution. Then they are saying: “Don’t worry, Dalton. We will be there at election time. The Premier will come through your riding and we will look after you when it is called. Pat us on the back a bit.”

I mean, this is so self-serving that I am embarrassed for him. It is just unbelievable that he thinks he can get away with this. Then on top of that, as if he was not on the Sunday shopping committee in Ottawa. For all members who were not there, what a road show we had. Of course, it is not over yet. We all heard yesterday from the Premier about closure. If I have the opportunity, I will be saying a word or two about that. But reading this resolution, it is as if he was not in the Ottawa hotel. Well, he was. I saw him in flesh and blood. It was not a phantom of my imagination.

Members should have seen the protest groups there against that Sunday shopping legislation.



The animosity in that room was unbelievable. You could see the electricity bouncing over the walls. And there was the member for Ottawa South, sitting in the back row with his legs crossed. He did not come up with us. I will tell members who came up with us, who took the real heat. It was the member for Ottawa West. Oh boy, was he under the gun.

Did we see the member for Ottawa South coming to his rescue when all the press was there with the microphones giving the devil to that poor old member? As a matter of fact, I even felt sorry for him because I have been in that spot once or twice myself, and of course no one came to my rescue, so I thought: "Why should I go to Bob's rescue? He is getting hung. Too bad; it is his riding. It is his home town."

The member was there. He saw how antagonistic those groups were from his own home town, all the religious organizations, the large businesses, the unions, the various aspects, individual people. They were screaming at this government and the member sat in the back row, smiling like a Cheshire cat, grabbed a free coffee, went out in the hallway for a smoke, and then he comes down to Queen's Park and he gives us this rubbish. It is unbelievable.

Of course, the Liberal backbenchers are getting away with this all the time. They are telling about all the funds that have been spent and allocated. Let's get some specifics. The member comes forward talking about the large percentage of increases in hostel spending in his area.

It comes as passing strange, if I may use that turn of phrase, that he made no reference specifically to that promised increase to school boards across Ontario, no doubt more particularly in his home area, and the lack of funds that are coming forward to those school boards. He could have talked about that.

Why does he not play fair and give the member for Renfrew North a little whack? He tells us on the wonderful tour by the Minister of Skills Development and the government House leader through eastern Ontario, what a great reception they had, except through Osceola because there was a huge traffic jam. The traffic jam was because people were running away from the House leader and from the member and the Minister of Skills Development. They began to see the maya of it all: the arrogance of this Liberal administration in terms of Sunday shopping, passing on that onerous responsibility to the municipalities; housing, passing that on to the

municipalities with an increase in lot levies; the waffling on insurance.

I have not attacked the Minister of Energy (Mr. Wong) yet about the possibility of brown-outs in Ontario in the wintertime. I told him we could stand it in Ontario in the summer—if it gets too hot, you sit underneath a tree in the shade and pant—but what are you going to do in the wintertime when you do not have electricity and you do not have any heat for people across the province?

He does not bring forward any of that stuff. He comes forward with a pat-on-the-back resolution that I am totally embarrassed about. A man of his experience and intelligence should have known better. I do not know what the deal was. Is the member for Renfrew North taking him out for a nice dinner at La Scala or something, saying: "Bring this one in. Tell us what a great job we are doing and we will look after you for a nice meal."

I am waiting now for the rest of the backbenchers to come forward with resolutions about how wonderful the government is going to be in western Ontario, in the Niagara Peninsula, in mid-northern Ontario and in northern Ontario. What about in Metro and the garbage crisis we have here? No, first we have this and now we are waiting for the rest of the backslapping we are going to get from the Liberal backbenchers.

**The Acting Speaker:** There is time remaining only for a windup by the member for Ottawa South.

**Mr. McGuinty:** After the remarks of the member for Durham East (Mr. Cureatz), I am not sure if I should offer a rebuttal or leave and go to confession at St. Basil's.

What I did, and he probably was not listening, was that I outlined in some chapter and verse the expenditure of \$1 billion in the east. I spoke of specific examples of our Ministry of Skills Development, our ministerial presences throughout the area, our caucus hearings, our listening to caucus briefs, our outreach program, all of these things.

The member for Leeds-Grenville (Mr. Runciman) chose to refer to this background information as "congratulatory pap." I can only assume he is still suffering the lingering effects of the traumatic shock administered by the electorate in 1985 and 1987.

I think it is also significant that in searching for a source to quote, an authority to quote, which is critical of our government's activity in the east, he chose to go to the Prescott Journal. It would be like the Orange Lodge going to L'Osservatore Romano to look for a congratulatory comment.



The member for Leeds-Grenville alluded twice to years of neglect, years of neglect. We agree there have been years of neglect. I think one of the questions he should be asking himself is where he was in the previous government as an economic minister during these years of neglect. I think it is also significant that the only evidence the member for Sault Ste. Marie (Mr. Morin-Strom) could muster was that which was fed to him by the member for Leeds-Grenville, who chose to quote the same editorial, showing the poverty of sources of reputable comment they had to draw upon. The same editorial was used by both people.

**1100**

So I do not apologize. I also would respectfully suggest to the member for Sault Ste. Marie that it is a bit presumptuous of him to tell the backbench Liberals from eastern Ontario that they are not properly tied in with their constituents and that they do not properly respond with feeling and understanding to the needs of the area. I think that is a bit presumptuous. I think we do.

As I have said, we have had our outreach programs. As he does, we spend time in our constituency offices. We travel throughout the eastern part of the province. We do it regularly. We meet here. We meet elsewhere. We meet in Ottawa and outlying areas. I think we do; we have done. I think there has been a causal relationship between the expenditure of ministry funds in our region and the work of our eastern Ontario caucus. For this we do not apologize. It is not a matter of back-slapping and congratulations; it is a matter of statement of facts.

I ask for your support for this resolution.

#### SOIL CONSERVATION

Mr. McGuigan moved resolution 41:

That, in the opinion of this House, the Minister of Agriculture and Food should develop a lease form for voluntary use by owners and renters of farm land that would give credits to the lessor for lessor-financed long-term conservation measures which, when totalled at the end of the lease period, would recompense the lessee for the residual value of the improvements to the land owned or controlled by the lessor and which would, at the end of the lease period, recompense the lessor for the deterioration or damage due to faulty tillage and farming practices to the land owned or controlled by the lessor; and that the minister should provide personnel to act as evaluators and arbitrators in the event that disputes over the residual value of the soil

building and conservation measures develop at the time of termination of the lease and in the event that arbitration fails, the minister should provide expert witnesses when such disputes are taken to a court of civil law for settlement and that the minister, as a long-term policy, should advertise, promote and encourage the use of such lease agreements in the province of Ontario.

**The Acting Speaker (Mr. M. C. Ray):** The member will know he has up to 20 minutes for his presentation and may reserve any portion thereof for his windup.

**Mr. McGuigan:** The Encyclopaedia Britannica defines "land reform" as follows:

"Land reform includes the redistribution of agricultural land among existing or new owners, including consolidation or subdivision development or settlement of holdings; adjustment of rental charges; compulsory reimbursement of costs incurred by the tenant for improvements made on the lands he cultivates; increase in the security of tenure; adjustment of policy and procedure in the taxation of agricultural land; and the adjudication of registration of land and water titles."

With this resolution, we are dealing specifically with the third item of land reform, "reimbursement of costs incurred by the tenant for improvements made on the lands he cultivates."

I would like at this time to put on the record my very sincere appreciation for the work of Yvonne Lavelley. Ms. Lavelley was a parliamentary intern in my office in the spring of 1988 and assisted me in the gathering of research material for this resolution.

The history of the world since Grecian times has been marked by bitter struggles between the landless and the land owners. In England, one of the guarantees forced on King John in 1215 by the Magna Carta was that religious bodies would have limits placed on their land holdings. Those struggles are going on today in Mexico, Latin America and South America. Recent documentaries addressed the pointless destruction of the Amazon rain forest by the Brazilian landless.

Over the years, in the United Kingdom the burdens imposed on tenants were somewhat relaxed by more clearly defining their obligations to their feudal lords. In North America we have been partially insulated from the ancient problem because of free land available in the early days. Now that there is little, if any, new land available, pressures on rented land to produce immediate income due to the competition among lessees are showing up in the form of a faster rate



of soil degradation on leased land than on owned land.

This resolution addresses the problem of agricultural land tenure, which has been widely recognized by farmers and researchers who study the causes and effects of soil degradation. This resolution looks to the future and to trends that are apparent in Ontario at the present time. Agricultural production in Ontario, while still a very large figure, something in excess of \$5.6 billion at the farm gate, is giving ground to industrial production. Full-time farmers are a decreasing percentage of the farm population, particularly in the cash-crop counties of southern Ontario. For the 30,000 commercial farmers in Ontario, only 30 per cent of their income comes from the farm.

Due to changes in production systems, economic pressures brought on by exploding land prices in the 1970s, declining commodity prices in the 1980s and emerging industrial employment practices, a great many farmers now work both on and off the farm. Also, due to declining farm land values and forced bankruptcies, farm homes and properties are now attractive to urbanites who have the opportunity to sell their city homes for prices that are more than sufficient to buy a country home and the attached productive farm land.

The end result is that both established and new farm property owners are faced with the problems and opportunities to lease out their farm lands to both established farmers and new, young operators who have the expertise and the equipment to farm more acres but who do not or cannot purchase the land outright.

Historically, North American farmers have lived poor and died rich. They lived as frugally as they could, pouring their savings into the land and then selling the farm, which had usually gained considerable value, and retiring with a comfortable nest-egg. Today, partly due to taxation policies of all government levels, partly due to their own rising expectations and largely due to world subsidy policies, particularly in the European Community, the United States and to some extent our own agricultural commodity subsidies, younger farmers look to the earning capacity of the land plus government payments rather than to the capitalization value of the land. Lending policies of both private and government agencies today, as never before, look at the productive value of the land rather than to the capital value of the land.

Also, under our capitalistic system land must produce a return to the land owner sufficient to

his or her lifetime needs. Land must return money sufficient to pay the local taxes, income taxes, sales taxes, equipment purchases, repairs and other miscellaneous costs. In short, the land must pay for itself in every generation. By comparison, publicly owned lands such as roads, bridges, canals or parks pay for themselves only once.

The result of these circumstances and policies is that between 25 per cent and 35 per cent of the arable land in Ontario is farmed by farmers who rent or lease the land, generally on yearly terms. I believe this trend will slowly escalate and, in my opinion, the above pressures will increasingly come to bear on our agricultural economy, due to the free trade agreement. As a result, more and more land will be farmed under lease. In the United States, from which the pressures will largely emanate, it is estimated that 50 per cent of the crop land is leased.

To appreciate the purpose of my resolution, I believe it is necessary to step back a few hundred years to examine our system of land tenure. Except for the province of Quebec, the Canadian system of land tenure comes from England. After the Norman conquest in 1066, all land in England was held by tenants from feudal lords upon various forms of feudal tenure. By the end of the 15th century, a large part of the agricultural land was let to tenants on leases, either for a term of years or for life, at fixed rents generally established on the basis that the owners provided the land, house and necessary buildings while the tenants supplied the livestock and working capital. Part of the terms of the lease was to maintain the fertility of the land. By the latter part of the 18th century, leases of seven, 14 and 21 years were offered.

Both the common law and the superior bargaining power of most landlords tipped the scales against the tenants. In Britain, the Landlord and Tenant Act of 1851 and the Agricultural Holding Act of 1875, followed by similar statutes up to the present time, gave more power to the tenants. Under Second World War emergency conditions, new legislation gave the state control and power to evict inefficient farmers. These later powers were repealed in 1958, but the act continued the protection of tenants in an improved form.

#### 1110

It should be noted that in Canada, the government of Alberta passed the Agricultural Service Board Act in 1970. This act has very wide powers over treatment of land and the province may, under certain circumstances, take



control of the land away from the owner and issue an order of land reclamation.

In the United Kingdom, everything that was put into the soil or was attached to the land became the property of the land owner without recompense to the tenant unless otherwise agreed. Tenants claimed that, as a matter of justice, they should receive residual benefits of any improvements they had made to the holding and in many districts, custom upheld their position. In the act of 1851, tenants were able to remove certain agricultural fixtures, but other improvements, such as breaking up of scrub land, were naturally irremovable.

In Britain, the Agricultural Holdings Act of 1875 gave tenants the right to compensation for the unexhausted value of improvements made by them, but most landlords contracted out of the act. The act of 1883 invalidated contracting out unless the lease gave the tenant terms not less favourable from the statutory provisions.

The Agricultural Holdings Act of 1923 gave improved protection to the tenant; compensation for improvements; compensation for "high farming," that is, for adopting a standard of farming more beneficial to the farm than that required by the tenancy; compensation for disturbances on the termination of the tenancy, and provision to receive a year's notice to quit, thus preventing termination of a tenancy while the crops were still standing. The act was amended as late as 1986.

The system of land tenure developed in England is unique. The real control of land in the United Kingdom lies with the tenant. On the other hand, apart from communist regimes, over the great part of the world the occupiers of agricultural land are the owners of it. Farmer proprietorship is predominant, and where there are dual interests in the land, the most common system is some form of *métayage*.

The term is French and describes what was probably the dominant type of land tenure in 18th-century France. It is a form of share-cropping involving sharing half the annual output. The landlord would provide the land and fixed capital items and some of the machinery and half the cost of annual inputs. The tenant would provide half the inputs and all of the labour.

The system existed in France, Italy, India, Japan, eastern Europe and the southern United States, and was predominant in southern Ontario until recently with high-labour-requirement crops such as sugar beets, tobacco and some vegetable crops. The system has largely given

way to the farm owners taking over these crops now that mechanization has been substituted for manual labour.

The system does, however, persist and is used in Ontario today to share the risk in growing grain corn, soybeans and small grains. It also persists for the reason of federal tax benefits to the landlord. Commonly, the landlord supplies the land and receives 35 per cent of the gross sales and the tenant supplies the inputs and receives 65 per cent. There are, of course, some variations in those ratios.

I believe the British system evolved from the feudal landlord system, from their inability to produce all of their food requirements and from their wartime experience of food shortages. I am not suggesting that we adopt this system. I am suggesting that we look to the British model to improve our land leasing practices to shift towards a more even balance of power between landlord and tenant for the long-term benefit of both.

If you examine the terms of lease forms printed by the Dye and Durham Co. Ltd., form 85-88, in pursuance of the Ontario Short Forms of Leases Act, you will see that the power lies largely with the landlords. There are general terms to protect the land.

"That the lessee will cultivate, till, manure or fertilize and employ such parts of the said lands in a good farmer-like and proper manner and will in like manner crop the said lands by a regular rotation of crops so as not to impoverish, depreciate or injure the soil."

The lease form also says that when notice to quit is given by the lessor, "The lessee shall be entitled to be compensated for the value of the crops sown and then growing, or of the ploughing done on the said lands in preparing for a crop, the amount of such compensation to be determined by arbitration if the parties cannot agree thereon."

There is no mention of compensation for the long-term improvements to the land and property, residual value which will accrue to the landlord or to the new purchaser of the land. The absence of such a clause discourages the tenant from doing anything to improve the land. In fact, it encourages the tenant to look only to his short-term benefits.

This oversight in leasing practice has been noted by soil conservationists. Senator H. O. Sparrow, chairman of the standing committee on agriculture, fisheries and forests, in the 1984 report *Soils at Risk, Canada's Eroding Future*, says: "Many leases are verbal agreements with



no obligations spelled out in detail and most are for one or two years at a time. As a result, the renting farmer is reluctant to take any conservation measures for which the payout is only in the long term." One of the studies shows that in 1987, 68 per cent of all agreements were verbal.

The Science Council of Canada, in its September 1986 report *A Growing Concern: Soil Degradation in Canada*, expresses concerns about leased land. The Ontario Federation of Agriculture and the Christian Farmers Federation of Ontario, in their annual briefs to cabinet, have noted the need for long-term leases to encourage good stewardship of the land.

The Ministry of Agriculture and Food, led by the Honourable Jack Riddell, has moved in this direction by providing three sample leases that, in their preambles, give good conservation advice but follow the same terms as the Dye and Durham forms.

In these samples, when the tenant leaves the farm, the tenant agrees to pay the landlord reasonable compensation for any damages to the land for which the tenant is responsible, but there is no mention of recompense to the tenant for improvements to the leasehold. The only compensation to the tenant in the event the landlord sells the land is for the value of the crop sown and then growing or the plowing done on the said lands in preparation for a crop.

The minister has made further progress. On March 3, 1987, the minister announced that in order to contribute to the development and promotion of sustainable farming systems, a new land stewardship chair will be established at the University of Guelph, backed by a \$1-million fund provided by the ministry. In December of the same year, the minister announced a new, three-year, \$40-million land stewardship program. In co-operation with the Ontario Soil and Crop Improvement Association, it provides grants to encourage farmers to adopt conservation practices that will improve food production, soil resources and water quality. It also funds research, education and extension services, including 12 additional field crops regional advisers.

A part of the program is the stewardship lease component to encourage landlords to require tenants to farm their lands. Under the stewardship plan, a grant of \$10 per acre per year will be paid to the land owner when the land is leased under an approved, minimum three-year stewardship lease.

The maximum grant available is \$3,000 per applicant. Agdex 570, December 1987, offers a

land stewardship lease, schedule A. This sample lease sets out cropping and tillage practices for the minimum of three years. It also provides a chart to be filled out by the two parties as to the responsibilities for installation, payment and maintenance of erosion control structures but leaves the choice of responsibilities up to the parties.

In the event that the tenant pays for the erosion control structure, the sample lease is silent on the question of any compensation for the cost of such structures in the event that the landlord terminates the agreement at the end of the three years.

The stewardship lease and the \$10-per-acre payment partly address the issue but presently have a life of only three years, and the funds are already oversubscribed. I hope that the program will continue and be augmented by further funds, but regardless of the outcome, I believe a need exists to bring an appreciation of the need for a greater balance between the power of the landlord and the power of the tenant.

The sorry state of the world environment is because we have allowed economic considerations to prevail over environmental concerns. I would prefer to see our future programs be long-term, tying incentive payments to environmental programs.

It is this deficiency in all of the ministry sample leases that my resolution is designed to correct. I realize, of course, that any agreement could have a compensation and arbitration clause inserted by the two parties, but I believe this is not likely to happen in the absence of such a clause in the sample agreement. My purpose is to legitimize such a clause and to encourage OMAF to promote the concept to be used in a voluntary way by both landlord and tenant to mutually agree upon the ethics of land stewardship.

The history of concern about soil erosion in Canada began in the 1930s and ended in the 1950s, when the technology developed in the wartime period briefly eclipsed the need to conserve our soils. The escalation of grain prices due to the Russian great grain robbery of 1972 and the subsequent stimulus to production brought about the reawakening to concerns about soil degradation in the 1980s.

Environment concerns of today are acid rain, waste management, ozone depletion and man-induced climate changes. I believe that from a worldwide perspective, soil degradation ranks among this list but is likely the most easily managed once the political will is motivated to do so.



The Soil Conservation Society of America, Ontario chapter, says, "Soil erosion may well be the most underrated yet most damaging natural resource problem of the 1980s."

We have begun the task. This resolution is another small step. The concept is a big step that could set the direction of future actions. I respectfully request the support of all members for the legislation and I reserve my time remaining.

1120

**Mr. Wildman:** I rise to support the resolution. I want to congratulate the member. It is always interesting to hear his concerns and views, particularly because he has such a breadth of knowledge in the agricultural field and in economic development generally. While I do not always agree with the views of my friend, I always find them interesting and most often very well researched, and so for that I appreciate the opportunity this morning to hear his comments in support of his resolution.

I support it because I believe that there is a need to develop a greater balance in the relationship between tenants and landlords. Obviously, an owner of land that is leased to another farmer must be protected to ensure that the land is not in any way harmed by inadequate farming methods, techniques or even laziness on the part of the person who is leasing the land. But on the other hand, there must also, as I believe the member has indicated, be some provision to encourage the person who is renting the land to make improvements, and one of the ways to do that is to in some way make it possible for that person to be compensated for those improvements.

As the member also indicated, there must be a need for longer-term leases. If a person is only leasing land for one year at a time, for instance, it would not make any sense for that person to invest very much capital in improving the land.

In my area in northern Ontario we have a particularly unusual problem, I think, in that in some cases land that has been farmed in the past has reverted to the crown for lack of payment of taxes. Neighbouring farmers would like to lease that land for cropping or pasture or haylage.

In many cases this land is not properly fenced, and if a farmer is going to be using the land for pasture, obviously it needs to be fenced. But if the farmer can only arrange a one-year lease with the crown, it does not make sense for him, even with the subsidies that are available, to build a proper fence. So obviously there must be provision made for longer-term leases so that the

farmer knows that if he makes improvements to that land, it will benefit him not just for the one year but for the foreseeable future, if he hopes to have a longer-term operation in that particular location.

I noted in passing that the member mentioned the historic competition for land, the demand of the landless for land, and the control that the few have tended to have historically over land, whether it be religious organizations, aristocracy or plutocracy. That is indeed a historic situation that we know of in feudal Europe and which was actually imported to North America at the time of the seigniories and so on, and it is still a major problem in many, many parts of the world.

Although the member said that in most parts of the world, other than the communist world, land tenure is usually a situation of ownership, in fact there are many, many areas he has mentioned like Latin America and Asia where a few, an oligarchy tends to own the vast majority of the land.

I noticed that the member mentioned Latin America and he talked about Brazil and the destruction of Amazonia. The fact is that about two or three per cent, I think it is, of the land owners in Brazil own 40 per cent of the land. Most of the good land is in southern Brazil.

You have many people who are now dispossessed and are moving into Amazonia. The only way they have of turning that land into agricultural land is by doing what we did historically in many parts of southern Ontario and the Maritimes: just burning down the forest. There were fires last summer in Amazonia which were larger than the area of Prince Edward Island. This is a tragedy, not just for Brazil but for the whole world, because the rain forest in the Amazon is one of the main producers of oxygen on this planet.

It is interesting that after we have destroyed our forests in Europe, and in North America to an extent, we are now turning to the people in the Third World and saying, "You must not do what we did because it will cause problems for the whole globe," while at the same time we own enormous debt owed to our banks by the people of the Third World and by their governments.

Would it not be interesting for North Americans and Europeans not just to say to Brazil, "You must stop the destruction of the Amazon rain forest," but to say, "In exchange for that we will cancel debt"? That would have serious ramifications for the banking system. They would survive, but it would mean a tremendous effect on our economy.



We all know that just around Christmastime, Chico Mendes was murdered, not because landless people were attempting to develop areas of the Amazon which he was trying to preserve but because big land owners, developers, were opposed to his efforts to preserve the rain forest, efforts which were recognized by the United Nations two years ago. We are seeing a concerted effort by developers, not just the landless in Brazil, in many cases financed by governments. Even the Canadian government until recently was providing assistance for "development" of the Amazon.

This has led to the concerted destruction of the rain forest, the habitat for the Indians and for many species of animals. That has meant the destruction of many Indian tribes and the extinction of thousands of species of plants and animals. The irony of all this, in this particular case, is that the land is not very good. It only lasts for about two years as productive land after the forest is cut down.

I got somewhat sidetracked but I appreciate the fact that this resolution was brought forward this morning and that the member put it in a historic and a global context which enabled us to look at some of the aspects of difficulty faced by people who need land, who want to obtain land to farm and want to be able to make improvements on that land which are useful not only to them but also to the owners of the land.

I applaud the stewardship program which has been proposed by the provincial government; in effect, the provincial government. I would, again, support the member's proposal in his resolution for expertise to be made available to enable people who are leasing land to get advice as to what they should be doing to improve the land.

**1130**

I would again support the proposal that there be a standard lease form available, which could be used on a voluntary basis, that would both enable the landlord's interests to be protected and ensure that the tenant, the person who is renting the land and farming it, can make improvements and have the possibility of compensation for those improvements.

Again, I support the resolution.

**Mr. Villeneuve:** It is also a pleasure to participate in the debate of the private member's motion from my colleague the member for Essex-Kent (Mr. McGuigan) on that great area of southwestern Ontario known as the Sun Parlour, certainly an area that is very agriculturally productive and sound.

The resolution, however, concerns me in a number of areas, and I hope to touch on them in the limited time allotted to me. It certainly tries to find ways to improve soil quality on leased land, and we can appreciate that. It is a problem that I believe the land stewardship program has attempted to assess and to look into, however with some degree of difficulty in getting off the ground and certainly limited funds, as alluded to by the member for Essex-Kent.

The idea behind the resolution is certainly good because it can be argued that a farmer will work less hard and spend less money and less time maintaining the soil on rented land than he would on land which he has title to and owns. However, in suggesting that the Ministry of Agriculture and Food develop lease forms and provide evaluators, arbitrators and witnesses to decide how soil has been treated goes way to far, I think, in the creation of unnecessary costs, bureaucracy, possible litigation and disputes. That is the area of concern I have as an individual, as one who has leased and rented land in the past and as one who owns and farms land at the present.

There is nothing wrong with the ministry suggesting that lessors of farm land insist on clauses that will result in soil conservation and improvement measures being practised by the lessee. There is nothing wrong with the ministry providing information as to soil and cost benefits of different conservation and farming methods.

But I do not believe that government bureaucracy should closely monitor or control individual lease agreements. In my opinion, that is going a little bit beyond what I feel should be within the jurisdiction of the man who has to derive a living and meet his financial obligations. The courts provide an existing vehicle to determine if the terms of a lease have been violated.

Soil conservation issues have been growing in importance this decade and we continue to learn more about soil itself. As recently as 10 years ago, soil conservation was not considered to be a serious issue or a great problem in Ontario. However, in the last 10 years, we have certainly looked at the subject in a very much different light.

When the age of chemical farming, sprays and fertilizer came on, it was thought that as long as the soil received enough chemical nutrients, nitrogen, phosphorus, potash, minor elements, and the photosynthesis process occurred, a crop was produced and that was all that was asked for. It is a lot deeper than that. As we have looked at the monoculture, particularly in later years, the



issues of soil compaction, chemical runoff, leaching and erosion all became more prevalent and cause for great concern.

In 1983, the province announced a five-year, \$25.5-million program, the soil conservation and environmental assistance program. Prior to that, there was only an older farm productivity incentive program in place. Since then, there have been additional programs as our understanding of soil issues has increased and as we have watched some countries across the world go from being a breadbasket to actually living famines.

Education has played and continues to play a very important role in soil conservation as well. The effects of soil degradation are usually gradual and are generally not noticeable by farmers unless they are aware of the problem and can spot the soil and crop losses. We as farmers have all gone to the field in the spring and, my goodness, there is a gully that was not there in the fall when we harvested. I think we have to look at crop rotation, leaving residues on top and minimum tillage practices, which are very much incorporated and being promoted by the land stewardship program.

Over 10 or more years, it is easy to see the effects of degradation, but year over year it is a little less visible. As a result, it has often been difficult to convince farmers to take action, particularly, as the member for Kent-Essex knows, on rented land, which is a very large portion of some of the agricultural operations in the area he represents, certainly a lot more so than in the area I represent.

Government incentives have therefore been very useful methods to encourage farmers to undertake conservation measures. That is why the member for Essex-Kent may have better spent his time asking for a more solid commitment for ongoing funding for the land stewardship program and for extended soil conservation and environmental assistance programs. These are now in place. I always dread an additional layer of bureaucracy.

We should also remember that there are three ministries involved in dealing with soil conservation and erosion questions. The Ministry of Agriculture and Food's responsibility is for erosion and municipal drains and for soil conservation programs on food land. The Ministry of the Environment looks after water quality and the Ministry of Natural Resources—and certainly the parliamentary assistant to the Minister of Natural Resources, the member for Essex-Kent, would know that water management

and the actual in-stream quality system works. I am sure the parliamentary assistant knows that.

More should perhaps have been said about municipal drains, the Ministry of Natural Resources and what that ministry is trying to do to some of our conservation authorities. I have had occasion to speak to representatives of the three conservation authorities in the riding that I represent: the South Nation River Conservation Authority, the Raisin Region Conservation Authority and the Rideau Valley Conservation Authority.

There are a great many unanswered questions and indeed concerns as to what is happening to conservation authorities. Their very name says it all. They are also part of what we are addressing here this morning—conservation and the maintaining of soil in the areas that produce our food.

Certainly there is concern in the fact that the amalgamation of these long-standing conservation authorities is of great concern to us all. Eastern Ontario has not received adequate attention in this regard. As a matter of fact, I remember well having met not long ago with the member for Essex-Kent, the entire group representing the South Nation River Conservation Authority regarding a fairly major capital expenditure that is required in eastern Ontario.

I would love to have had time to address the previous private member's motion earlier this morning, but I had to be in committee. The Liberals are saying that eastern Ontario is getting so many good things. I have a number of things that certainly have to come to eastern Ontario. The dredging of the south branch of the South Nation River must be addressed and it must be addressed soon, because more than 10,000 acres of tiled land presently are silting in because this river has not been dredged recently.

It is an absolute must to at least maintain the tile drainage system that is presently in place. I know the parliamentary assistant heard our concerns and I am sure he remembers well. However, we have received very little, if any, financial support. The studies are in place, and we have to address this particular problem.

Hiring ministry personnel to evaluate soil buildup and other measures also undermines the ministry's current co-operation with the soil and crop improvement associations, and they are the ones that are responsible for the land stewardship program, which I feel is a very important program and should be funded adequately.

I have notes here: \$499,000 was spent in Dundas county, one county that I represent, used by 70 farmers. Well over 100 would have



applied; however, the funding was not there. The program per farmer for seeding down was \$4,558. I did not have time to check the other three counties that I represent in part. However, that is in Dundas county alone. That is in place. We need more funding for the stewardship program.

In conclusion, three years ago the Honourable John Wise, the then Minister of Agriculture for Canada, warned that we could lose topsoil needed to feed ourselves within the next 50 years. Africa, as was mentioned by my colleague earlier, is a perfect example that demonstrates how soil can be completely destroyed if not properly administered.

There are some who have predicted that Ontario is heading for famine. I like to think that our farmers, provided they can produce enough income, are the best stewards of their land and will take care of their land. Famine can certainly be avoided, but we have to remember that Ontario is still losing close to 15 million tons of soil annually and that this loss has to be cut.

Some specific information should probably be directed at those who rent out their farm land, encouraging soil maintenance, crop rotation and leaving residue on top. However, let's keep the army of bureaucrats to a minimum.

1140

**Mr. Miller:** It is a pleasure this morning to rise and support my colleague the member for Essex-Kent in his drive to preserve our agricultural farm land. Conservation-minded as he is, over the years he has contributed so much to the agriculture industry through the Ontario Federation of Agriculture and as a lifetime farmer.

Again, I would like to congratulate him for that and for the initiative he has taken with this resolution 41 in bringing it before the Legislature in this new year of 1989 at the first private members' debate. I think it is fitting and it was interesting. I listened carefully to the comments of our members and the remarks of the members in the official opposition and the third party.

I would like to indicate too to the Legislature, to the members here this morning, that as a farmer myself, I can recall leasing land as far back as 1945. My father passed away and we were share-cropping with our neighbours because it was after the war, there was not a lot of help and food was needed. The farmers were not able to work it themselves. We worked on a share-crop basis.

We had considerable experience over those years. Even today, our family is working much more land than it owns because there do not

appear to be farmers willing to take the chance to work that land because of the return on the investment. As we all know, the farming community generally has been very hard hit, particularly the cash-croppers because of low commodity prices, the return on investment and the high price of equipment.

Again, our area has played a role in conservation over the years with the sand plains within my riding of Norfolk. The forests were cleared. The fields were cleared of trees and they thought they could work the land, until it started to blow and of course they soon found out they were in trouble. Conservation has played a role.

It has been replanted and reforested and is now again productive with tobacco. The tobacco industry is being devastated. Tobacco has always played an important role in conservation. They would take their crops off and seed down with a rye crop to hold that soil. Conservation has played an important role in my part of Ontario as far as agriculture is concerned.

I am pleased today to rise to respond to the resolution initiated by the member for Essex-Kent and to speak on behalf of the Minister of Agriculture and Food (Mr. Riddell). The Minister of Agriculture and Food has developed a voluntary lease form for use between renters and those who lease farm land that would allow financial compensation to renters who practise sound land stewardship practices.

Conversely, the person who leases the land could receive financial compensation for damages and deterioration of farm land caused by poor farming practices. The resolution also requests that the Minister of Agriculture and Food provide staff to evaluate the extent of land stewardship practices and to arbitrate disputes concerning these practices between renting parties.

I fully support the principle of the request, but I have some serious reservations about generally drafted leases and the provisions of arbiters. Under the minister's current land stewardship program, the minister has developed a lease to promote stewardship practices. The renter receives a grant of \$10 per acre if a conservation management plan is carried out on the rented land.

However, the recommended changes suggested in resolution 41 would require a specific lease to be drafted by the ministry, and the staff act as arbiters and expert witnesses. To do this, a program of inspection and evaluation would have to be established. This evaluation presents a major difficulty. Evaluating the benefits and degree of conservation management and setting



an agreed financial settlement between two parties is difficult, if not impossible.

The government would not want to provide arbiters for this virtually impossible task. Complex lease negotiations are best left to the private sector. A review of the three Ministry of Agriculture and Food publications providing general guidelines on lease creation shows the complexity of farm leases. Differences in farm types, landlords and tenants cause problems with a generally drafted ministry lease and could in fact mislead the land owner or renter.

It is the jurisdiction of the courts, and not the Ministry of Agriculture and Food, to deal with contractual and conveyance matters. I am in agreement with the principle of the resolution. A long-term lease that recognizes and rewards conservation management practices is ideal.

Again, from my experience as a farmer, with short-term leases you cannot plan year to year. At least five, 10 or 20 years is perhaps best, because when you put fertilizer on this year it is going to have an effect, and the management you use down the road is going to be there for many years ahead. If you get proper drainage—

**Mr. Wildman:** Take it all out of the hands of the lawyers.

**Mr. Miller:** Does the member for Algoma (Mr. Wildman) know how to get the water off the fields? Does he run a ditch and shovel it out?

Proper drainage plays an important role in farming and if you do not have that proper drainage so you can get on the land at the proper time in the spring, your crops can be failures.

This year was a good example regarding timing because you only had a few days. Some who were able to get their crops in at the proper time had good results; the ones who did not had to pay the price because of the drought situation. One has to use the moisture that is there.

The government will fully support the long-term conservation lease concept. The current lease forms will be reviewed and the ethics of land stewardship will be advertised, promoted and encouraged. Again, I would like to congratulate the member for initiating the resolution this morning. As I said, he has been a leader in the field as far as agriculture is concerned, over his lifetime. I am sure the Legislature and the ministry will be responding and taking the comments that have been made this morning and dealing with them in the best interests of agriculture in Ontario and across Canada.

**Mr. Speaker:** The member for Durham East.

**Mr. Cureatz:** Thank you very much, Mr. Speaker. It is nice to see you in the chambers this

morning. It is too bad you missed my tirade earlier, but I am sure you caught it on television. It is a little difficult for me to tone down from this morning's earlier resolution. Now that I have calmed down a little bit, I will keep my remarks at a more reserved decibel level, especially because it is coming from my learned colleague the member for Essex-Kent, whom I have had the opportunity of sitting on with a number of committees. Interestingly enough, he and I—

**Mr. Wildman:** When did he sit on you, Jim?

**Mr. Cureatz:** Sitting alongside then; all right?

Interestingly enough, I think he and I have, believe it or not, similar approaches to politics; that is, first and above all, we are concerned about our respective constituencies and the people we represent; second, there is the overall concern about the people of Ontario, and third, I do not think he takes too seriously, as I do, the amount of game playing that takes place in terms of whatever caucus you are in, be it the government, opposition, or yes indeed, our own humble little 17-member caucus.

**1150**

Indeed, one has to participate to a degree, I guess for a little bit of survival, but I think he and I see eye to eye on that concern. We set that aside because our desires are to look after as best we can and reflect the concerns of the people of Ontario. That goes specifically then to his proposed resolution, which I have to tell the member I am not overly supportive of, but it certainly is not because of the substance; it is only because of the procedure.

Needless to say, I can hardly speak on behalf of farmers in my community, never mind Ontario, although I am from a farm background. Our family originally had mixed farming and apple orchards. The honourable member, I believe, is involved in the fruit aspect of farming. He has never invited me to his farm when the cherries are ready to be picked, but I know next summer I will get an invitation to participate in the cherry pit spitting contest. I know I will be beaten hands down by Liberal backbenchers in a cherry pit spitting contest.

I want to say, though, that if I can do my best to try to capsule my thoughts about the resolution, again, it is not about the substance, because the honourable member has had the opportunity of touring part of my riding, and more particularly of some concern to us, the Kendal hills and the Ganaraska forest. My family and I are new residents in that area.

I will not go into a large history, but the Ganaraska River had become depleted with



deforestation and a large, almost sand-dune atmosphere was created, I guess, in the 1930s and 1940s. It took a long time through the initiatives of the provincial, federal and local governments to establish a large conservation authority to replant that area and protect the soil. As a result, there is a beautiful forest of some 10,000 acres, which is holding down what neighbours of mine, Helen Boyd and Fred Wilson and Senator Andy Thompson, indicated to me at one time was just sheer blow sand.

The honourable member certainly is coming from a direction of concern about good soil conservation and soil use. The problem I have, though, and I say this respectfully to my colleague, is that I am just a humble, little, quiet, mild-mannered lawyer from Kendal and I like to, as they say, KIS, or keep it simple.

Looking at the resolution, and I have read it over a number of times, I am wondering if it was drafted by a lawyer. The member indicated one of his assistants participated in drafting it.

I did find it awfully wordy and complicated. In terms of trying to get his point across, it would not hurt to do it again, actually, because this is the kind of worthwhile resolution a private member can participate in to try to reflect concerns. I have seen many members over the years come forward again and again with the same kind of resolution developed in different ways, learning through the process of debate. I suggest to him taking another look at it and maybe meating out the substance of what he is really after and trying to do away with the large procedural aspect that it would seem to me he is trying to portray.

I have only a few minutes. I would like to bring to members' attention, of course, that there was a Senate committee on agriculture, fisheries and forestry which identified soil erosion. I have to give credit to our researchers, because they did some work for us, which we appreciate very much. There is erosion—98 per cent of losses are due to water and two per cent to wind—pollution of rivers and lakes caused by silting of nitrogen and phosphorous and soil compaction and damage to the soil from acid rain and heavy metal contamination.

There was a program set up by the Progressive Conservatives of Ontario when they were the administration and I give credit to the Liberal administration for extending that program to 1990. It is called the Ontario soil conservation and environmental protection assistance program. Notwithstanding particular politics, I think when it comes down to issues that are of

concern to all of us in Ontario and to the members in these chambers, we set aside the political aspects, and governments, no matter who is in power, centre in on particular concerns, that being one of them.

It would seem to me that possibly the member might have proposed a consolidation of all soil and water conservation programs under one provincial ministry agency. Of course, here I am saying on the one hand that the resolution is awfully wordy and awfully procedural, yet I am saying that maybe we should be looking at another ministry or another global umbrella aspect.

I listened very closely to the member's remarks and he gave a little history of a tendency of our common law system that far surpassed any lectures I had at law school.

**Mr. Ballinger:** Did you go to law school?

**Mr. Cureatz:** Well, the diploma on the wall says so, anyway.

I give him credit for the in-depth research he made on that. Let me say in conclusion, without going into further aspects of my research, that with my representation of the farm community in my riding of Durham East, I have found interesting aspects. I have had occasion, when I have been out driving in the community and seen a farmer in a field, to get out and have a little talk. The odd time, if the farmer knows I am coming by, happening to know I am a lawyer, he will have a copy of a lease and will say, "Take a look at this and see what you think."

It is interesting. When two farmers get together there is a stewardship, I must admit, in the farm community, of which I am so proud. It is obvious that one farmer is unable to use that land for two or three years or whatever length of time. The other farmer is also concerned about the land. He wants to use it, but there is a give and take between them. There is not the aspect of using the land outrageously for an individual's purpose. There is a stewardship in the farm community that I see time and time again.

Quite often, it works the same way with a large land owner who is not farming but who entrusts his farm to a person who is a farmer. I have seen this time and time again. I can think in terms of a small fruit grower in my constituency. There is another corn producer who has taken over a property. He is very delicate with the land. He is very concerned about the way he manages it and uses it because he has the feeling it has to be passed on and does not have to be overly abused.

I guess I am saying to the member that I compliment him on the substance. I am not so

happy about the procedure. I am happier that this can be resolved within the farm community itself.

**Mr. McGuigan:** I want to thank all members who contributed: the member for Algoma, the member for Stormont, Dundas and Glengarry (Mr. Villeneuve), the member for Norfolk (Mr. Miller) and the member for Durham East. I will not address them individually, but I will try to answer some of their very legitimate criticisms.

I point out that the program I have suggested is voluntary. My expectation is that it would only be entered into by a relatively small number of people. Due to the fact that it is voluntary, they would have to have a good soil stewardship ethic or they would not have joined in the first place. I anticipate that it would not be a largely litigious exercise. Nevertheless, I do recognize that the ministry is probably reluctant to get involved in these items, particularly of arbitrating between people. It may rather be that private arbitrators would come to take over such an undertaking.

My main purpose was to highlight the fact that we have an increasing amount of rented land out there, and that land is under greater pressure in most cases than is owned land. Therefore, we should be addressing it.

I said in my speech, "I would hope that the program would continue and be augmented by further funds." I was talking about the stewardship program. I am very much in favour of it. In fact, I hoped this whole debate would be helpful in providing strength and encouragement from all parties to the Minister of Agriculture and Food, and I see it has done that, towards increasing and continuing that program.

I might mention to the member for Algoma that certainly I agree with his comments about the Brazilian rain forest. While I am not a great supporter of the banks, I think it should be noted that our Canadian banks have, up to date, set aside about 45 per cent of their outstanding loans to those developing countries and have forgiven

them. I hope they will forgive further amounts, because we are contributing to the destruction of the world when we are part of the World Bank program that is bringing about the destruction of those forests.

I thank everyone. I thank them for their very constructive advice.

**Mr. Speaker:** That completes the allotted time for debate on ballot item 51 and ballot item 52.

1206

#### EASTERN ONTARIO ECONOMIC DEVELOPMENT

The House divided on Mr. McGuinty's motion of resolution 53, which was agreed to on the following vote:

##### Ayes

Adams, Ballinger, Callahan, Campbell, Cleary, Cooke, D. R., Dietsch, Elliot, Epp, Fawcett, Ferraro, Fleet, Furlong, Henderson, Keyes, Kozyra, Leone, Lipsett, Mahoney, Mancini, Matrundola, McClelland, McGuigan, McGuinty, Miclash, Miller, Nicholas, Nixon, J. B., Oddie Munro, Offer, Pelissero, Polsinelli, Reycraft, Roberts, Sola, South, Sullivan, Tatham, Wilson.

##### Nays

Breaugh, Cureatz, Farnan, Grier, Hampton, Harris, Philip, E., Pollock, Pouliot, Sterling, Villeneuve, Wildman.

Ayes 39; nays 12.

#### SOIL CONSERVATION

**Mr. Speaker:** Mr. McGuigan has moved resolution 41.

Motion agreed to.

The House recessed at 12:09 p.m.



## AFTERNOON SITTING

The House resumed at 1:30 p.m.

## MEMBERS' STATEMENTS

## PUBLIC SECTOR PENSION PLANS

**Mr. Farnan:** Government employees are concerned that the government has mismanaged their pension funds. They are paying seven per cent of their wages into these trusts and they are concerned about the security of their investment.

They are justifiably upset that the government now intends to take another chunk off their paycheques in order to pay for past mistakes and mismanagement of their pension fund. With proper investment, this \$4-billion fund could generate the cash necessary, not only to cover existing commitments to pensioners but also to fund improved benefits.

The Slater report found that it would be in the best long-term interest if employers and employees entered into full partnership and joint trusteeship of pension funds. Unfortunately, senior officials of this Liberal government have refused to enter real negotiations with the union. They have also indicated that employees must pay for past mistakes made by the government overseer of the fund.

I call on the government to bring in an amendment to the Crown Employees Collective Bargaining Act to make it possible for collective bargaining of public service pensions in this province. Government employees deserve the right to negotiate to determine the best way for these funds to be handled.

The pensions of union members ought to be separate from those of deputy ministers or other special friends of the government. Pension funds must be at arm's length from the whims of government ministers. The best way to keep it honest is at the bargaining table.

## USE OF GILL NETS

**Mr. Pollock:** I have received a number of letters in my office from members of the Great Lakes Sport Fishing Coalition. The members of the coalition are extremely active in attempting to enhance recreational fishing opportunities in Lake Huron and, in fact, all across the Great Lakes.

The coalition remains seriously concerned over the incidental catch of nontarget fish species in gill nets. They spend many dollars and countless hours on fish culture programs and

other enhancement projects and frequently see the product of their labours end up as the incidental catch in the commercial fisherman's gill net.

The members of the Great Lakes Sport Fishing Coalition are of the opinion that the Minister of Natural Resources (Mr. Kerrio) is soon going to release his position on what should be done with the dead incidental catch. Since the minister appears reluctant to meet with it, the coalition remains justifiably concerned that his decision will be made without knowing all the facts on the issue.

The Minister of Natural Resources owes it to those who work so hard on a voluntary basis to enhance sport fishing in Ontario to consult with them before a decision of this magnitude is made. The members of the coalition have stated that they will meet with the Minister of Natural Resources at his convenience. I hope that the minister will take them up on their invitation.

CELEBRATION OF  
JULIAN CHRISTMAS

**Mr. Fleet:** [Remarks in Ukrainian]

For those who do not speak Ukrainian, merry Christmas. I extend this greeting on behalf of all people, including members of my own family, who celebrate Christmas on January 7 in accordance with the traditional Julian calendar. This calendar, named for Julius Caesar, long precedes the Gregorian calendar established in 1582.

Christmas is celebrated on January 7 by people of Ukrainian, Serbian, Macedonian, Bulgarian and Russian origin. It is an opportunity for families to gather together and for people to express their religious commitment. This year it marks the conclusion of the millenium celebration: 1,000 years of Christianity in Ukraine. The freedom to honour one's religious beliefs is truly a blessing in our multicultural society and enriches the lives of us all.

Also using the Julian calendar, but celebrating the birth and baptism of Christ on January 6, are those members of the Eastern Orthodox and Coptic Christian faiths. This includes people of Armenian origin. For Armenian families, this Christmas is one when, more than ever, their faith will be called upon to sustain them. Our hearts go out to them.

I ask all members of the Legislature to join me in extending best wishes of the season to those

now marking the festive and holy celebration of Christmas.

DOUG POLLINGTON AND  
BILL BROWN

**Mr. Farnan:** The response of Canadians to the Armenian earthquake, inspired by our fellow Canadians of Armenian heritage, has been magnificent. Today I wish to recognize two distinguished and much respected Cambridge citizens who left their homes and families in order to assist in the relief effort. I speak of past and present Cambridge fire chiefs Doug Pollington and Bill Brown. Their eight-man team of experts in disaster and emergency control was headed by Doug Pollington, a past president of the International Association of Fire Chiefs and an ambassador with the People to People program.

They were able to enter Armenia and be involved in the rescue efforts. Their expertise was underutilized, and for the most part they worked with their hands to remove rubble in the hopes of saving some lives. They endured considerable hardship, living on meagre rations and sleeping in tents in subzero conditions. Both Doug and Bill were extremely moved by their experience. They have been able to provide eyewitness accounts of the earthquake aftermath and the ongoing relief effort.

They are determined, as a result of their experience, to work towards the creation of an international relief management control agency that could respond to similar situations in any part of the world and assist in directing relief efforts. They intend to work through People to People, and ultimately their hope is that the United Nations will spearhead this project. Doug Pollington and Bill Brown, Cambridge is proud of you and Ontario salutes you.

RENTAL ACCOMMODATION

**Mr. Harris:** I would like to continue today the year-end review of the province's housing situation which I started briefly yesterday. I note that during 1988 the option of home ownership grew increasingly remote for most Ontario residents. The alternative, of course, is rental housing. Here are some of the highlights of the past year in the area of rental housing.

In 1988, rental housing became more scarce. The vacancy rates in Toronto and other Ontario centres are now lower than they have ever been. The minister's Rental Housing Protection Act has not served to protect the rental stock in Ontario. Despite promises of action, nothing has

been done to assist unrelated persons who are compelled for economic reasons to share accommodation.

Furthermore, for those who are successful at finding accommodation, they are faced with a rent review process which is hopelessly backlogged. It is enormously frustrating for both the tenants and the landlords. In thousands and thousands of cases, claims are laid a second time before the previous year's claims are even considered. In 1988, the rental housing crisis clearly got worse.

Finally, let me mention another trend which became disturbingly more evident over the past year with the Minister of Housing (Ms. Hošek) and also with the Premier (Mr. Peterson) and the Treasurer (Mr. R. F. Nixon). That is this trend to wash their hands of the responsibility for dealing with the problems and important issues facing this province and to try to blame somebody else.

The outlook for the new year will be bleak unless this minister and the other members of the government stop looking around for someone else on whom to lay the blame for their difficulties and face up to their responsibilities for provincial housing in Ontario.

JOE AND BRIAN SHAW

**Mr. Mahoney:** Mr. Speaker, I would like to bring to your attention and to the attention of my colleagues a very tragic loss to the city of Mississauga with the passing of firefighter Joe Shaw and his son Brian, also a firefighter. Brian died as a result of injuries received in a traffic accident, and a short two days later his dad Joe succumbed to a long fight with cancer. I would like to extend the sympathies of all members of this House to Glenda Shaw and her family on this most tragic loss of her son and her husband.

While I did not have the opportunity to know Brian, I considered Joe a friend as well as a true and loyal servant to the citizens of Mississauga. He was always volunteering at community festivals and he was also known as a minor hockey coach in the Mississauga Jets organization where Brian also played. Joe was an outstanding athlete in his own right, having led the Mississauga fire department fastball team to a championship held last summer at Canadian National Exhibition stadium.

All too often, tributes to an individual only come forward after that person has left us. It is a true mark of the esteem in which the community of Mississauga and the firefighters across this province held Joe and Brian when you witness



the number of people in attendance at their funeral earlier this week.

This is a double tragedy of incomprehensible proportion for Glenda Shaw and her family, but it is also a tragedy and a loss to the city of Mississauga. At least Joe and Brian are together.

1340

#### FRANCISCO CHICO MENDES

**Mr. Wildman:** I rise to express our sympathy and outrage at the cowardly murder of Francisco Chico Mendes, internationally recognized ecologist and union leader in Amazonia. This morning I made some comments about this in the House. It is evident that there must be international pressure to ensure that the Amazon rain forest is preserved and that these kinds of politically motivated murders do not go unpunished in Brazil.

In the past, pistoleros have been convicted of these kinds of violent acts, but never the people who finance them and hire them. It is impossible for us to prevent large land owners from using this kind of violent action to ensure that they can further destroy the rain forest unless we, in our banking system and our governments, put pressure on the Brazilian government not to turn a blind eye to the violence that continues in Amazonia.

#### ORAL QUESTIONS

##### USE OF HOLLOW-POINT BULLETS

**Mr. B. Rae:** I have today some questions for the Solicitor General, as well as for the Premier (Mr. Peterson). I assume the Premier is coming momentarily.

In the absence of the Premier, I wonder if I could ask the Solicitor General a number of questions now emerging about control over the police by civilians, and indeed by the government and by the politically appointed people, and of control over access to weapons as well as to ammunition.

I wonder if I could ask the Solicitor General a very specific question: Could she tell us precisely what controls exist in the province today with respect to general access to 38-calibre hollow-point bullets?

**Hon. Mrs. Smith:** The 38-calibre hollow-point bullets to which the member refers are not specifically referred to in the regulations to the act at all. What are referred to in the act are specifications as to what is permitted rather than what is denied, plus the special circumstances clause, which says that in certain circumstances, this regulation does not need to be adhered to.

**Mr. B. Rae:** This morning, an associate of mine went to a sports store and asked if he could purchase some 38-calibre hollow-point bullets and he was told: "Of course you can. How many boxes would you like and what kind would you like?" He was able to purchase for some \$18.65 a box of hollow-point bullets for a 38-calibre pistol.

This is not a hunting bullet. This is not something used in hunting. This is specifically a pistol cartridge, a hollow-point cartridge, of which he was able to purchase three boxes at a sports store.

I would like to ask the minister: Just how realistic and how tough is her control over access to this particular hollow-point bullet when anybody off the street can walk into a sports store and, without being asked for a permit, without being asked for anything, can simply pick it up?

**Hon. Mrs. Smith:** I would point out that my control is under the Police Act and under the actions of police officers. It is not related to the general public or to anything done in the sports stores; it is to the use of these things and ownership of these things by police forces.

**Mr. B. Rae:** There is a basic question here. If anybody off the street can simply walk into a store and purchase these bullets without any restriction in terms of access, without any questions being asked with respect to what you need or want them for, without even any requirement apparently that you have a gun permit, surely the Solicitor General has to appreciate that she appears to have no control over general access to this stuff, as well as no specific control herself over what guns, what ammunition and what general arsenal apparently the police across the province have.

By way of final supplementary, I wonder if the Solicitor General is in a position today to tell us if she knows what guns, what ammunition and what arsenal the police in the province, operating under her general authority as Solicitor General, have. If she does not know, why does she not know?

**Hon. Mrs. Smith:** As I have pointed out already, the question was never raised. To me, the regulations seemed to be quite satisfactory. They are very specific and had always been assumed to be adequate. As soon as the matter was raised to me, I sent out a questionnaire to the police to find out if in fact these police forces have ammunition other than we thought and, if indeed they are using it, in what ways they are using it.

I think the member does no service to the public or to the members of the Legislature to confuse federal law and provincial law on firearms in general. We are talking about the Police Act and what the police can and cannot do.

### RETAIL STORE HOURS

**Mr. B. Rae:** By means of a new question I would like to go back to the Premier again today and again focus his attention on the question of Sunday shopping and on his continued refusal to meet with those groups that continue to be opposed to the government's legislation.

I would like, quite simply, to ask the Premier why he continues to refuse a meeting with representatives of the Association of Municipalities of Ontario as well as with the interfaith committee coalition and other members of the coalition against his legislation? Why will he not simply sit down with them and at least agree to a meeting with them before he decides to force this bill through by using closure?

**Hon. Mr. Peterson:** I think my honourable friend misrepresents the situation. There have been endless meetings with the ministers concerned and with staff. I have met with AMO and a whole variety of people on this matter. I do not mind meeting with anybody. I do not mind hearing their views.

We have had an opportunity to discuss this in this Legislature for the last nine months. If the member feels they can shed some new wisdom on this matter, then I am very happy to have the benefit of their points of view, but I can tell him there have been endless meetings for the last nine months.

**Mr. B. Rae:** Is the Premier saying that on the critical section of the bill, section 4, which is the section that deals with the question of the local option, his mind is closed?

**Hon. Mr. Peterson:** I am saying that the government has put forward the bill. That is the government's position, and that is the basis on which we are proceeding.

**Mr. B. Rae:** I asked the Premier very clearly, not whether or not the government was proceeding. Obviously the government is proceeding. What I am asking is, why would the Premier refuse to have a meeting when there are going to be literally thousands of people affected by this legislation, when there are literally hundreds of people who presented their positions in this Legislature?

Over 400 people heard by the committee were opposed to the legislation, and only 26 groups specifically said they were in favour of the

legislation as it stood: 26 in favour, over 400 opposed. New Brunswick and Nova Scotia both tried the local option and both rejected it after the experience of two years because of the injustice that it created.

Why is the Premier's mind so closed on an issue when there are clearly so many people in the province who feel differently and who are in fact opposed to his own position?

**Hon. Mr. Peterson:** I think my honourable friend is a little, shall we say, alarmist about this.

Let's look at this in its practical effect. Look at, for example, the Niagara Peninsula. There you have a situation where Fort Erie is open, Niagara Falls is open, Niagara-on-the-Lake is open. Those tend to be tourist areas, or special circumstances with respect to Fort Erie. But Welland is not open, St. Catharines is not open and Thorold is not open to the best of my knowledge.

This situation works very well. It has not destroyed families. It has not ruined people's private lives. What I am saying to the member is that is how the law will operate. What we do have is a new enforceability. We have a situation where people can make their own judgements based on their own circumstances.

If my friend wants to stand up in this House and say that Sault Ste. Marie should not open, then he can go ahead and say so. I think they should be allowed to if they want to be. What we have is a very tight regulatory framework.

1350

**Mr. Wildman:** They are already open.

**Hon. Mr. Peterson:** If they are already open and it is working, what is he getting so excited about? Stand up and say we are just regularizing the law.

### WINE PRICING POLICIES

**Mr. Brandt:** I would not want to get excited about some of the pressing issues in Ontario with the Premier, but I do have an issue that I am somewhat agitated about, and that relates to the Premier's words back in July of last year when he indicated, in speaking on the free trade agreement, "If the people of this country speak on an important issue, I have to accept the results of that." Then on November 21, to reinforce what he had said previously in July, he made a statement that was much the same, "I have no way of stopping it. Let us respect the voice of the Canadian people."

Is it the Premier's intention to live up to his commitment? I just spoke his words as they relate to the free trade agreement. Is he prepared to



continue and honour his promise as it relates to what he has specifically stated with respect to the free trade agreement?

**Hon. Mr. Peterson:** The reality is, I have no choice. The federal government has the power to pass the legislation and it has done so.

**Mr. Brandt:** I think the Premier knows what I am getting at. It was six weeks ago—

**Mr. Ballinger:** What are you getting at, Andy?

**Mr. Brandt:** Just wait, just wait. You'll hear it.

Interjections.

**Mr. Speaker:** Order.

**Mr. Brandt:** It has taken fully six weeks for the Premier to break his promise with respect to his very own words. He knows full well that there is an international trade deal that has been struck with respect to the wine industry.

I have raised with him in the House previously that as a result of his position on this very important and sensitive matter, he is inviting retaliation against other industries in Canada, as well as industries in Ontario by setting up an us-or-them situation relative to the wine industry. On one hand he wants to put himself out as a martyr for the wine industry, but on the other hand he is not telling the people of this province the straight story as it relates to potential retaliation.

**Mr. Speaker:** The question?

**Mr. Brandt:** This is my question: We now have a group, the Canadian distilleries industry, which is vitally concerned about retaliatory action as a result of the Premier's words and actions. Is he prepared to sell that industry down the drain?

**Hon. Mr. Peterson:** I am not prepared to sell that industry down the drain, but is the member prepared to sell the grape growers and the wine industry down the drain? That is the question. He is.

**Mr. Brandt:** The Premier is an interesting fellow at certain times.

[Applause]

**Mr. Brandt:** I am not through yet. Interesting in that he reminds me of the parents who were standing by the side of the road watching the parade go by and they said, "Look, everyone is out of step but our boy, Johnny." The Premier happens to be out of step, because on one hand he indicated he was opposed to the free trade agreement, and then he indicated, when it related to the wine industry, that he was not going to

accept a decision made in the context of the General Agreement on Tariffs and Trade.

I want to remind the Premier that the Canadian distilleries industry represents some \$400 million of export business, and 90 per cent of that business goes to the United States. He is not prepared to accept free trade, he is not prepared to accept GATT. Where does he turn for defence? This is my question. Where does he turn for a defence of Ontario's position if someone takes issue with our exporting practices if he is not prepared to accept GATT and he is not prepared to accept free trade? Does he have a third option that he wants to share with this House? I would like to hear it.

**Hon. Mr. Peterson:** Let me say to my honourable friend that he is interesting on all occasions, not just part of the time. He too reminds me of the story of the parents watching the parade go and a poor, lonely, little figure at the end, saying, "Look at our boy, Andy."

Let me say to my honourable friend that I think he aisle makes a fundamental error of judgement when he would roll over and capitulate to some of these threats, real or implied, that he reads about.

One of the things we will have to do under the free trade agreement, with the General Agreement on Tariffs and Trade or in any other trading relationship, is to be good and tough negotiators. I remind my friend that already a couple of disputes have come up under the free trade agreement, plywood, for example, that are going to have to be negotiated. We are going to have to negotiate the subsidies question and a lot of other things. What we have to do is make sure that we negotiate in Canada's interest and that we have a clear view of forcefully putting forward our point of view.

What concerns me about my friend opposite is that he seems to be the first to want to capitulate on every issue. His colleague the member for Carleton (Mr. Sterling), the one remaining friend he has in Ottawa, stood up in the House yesterday and said we should sacrifice Ontario jobs for some unspecified jobs in some other provinces.

The member has turned out to be about the easiest person I know to spook out on these matters, so I say to my friend, let us be vigilant and stout-hearted in the defence of Ontario and Canadian interests and do not just be naively taken in by those who want to scare us into capitulation, because this government will not be frightened into capitulation.

Interjections.

**Mr. Speaker:** Order; just so the member does not have to shout.

## FORENSIC AUTOPSIES

**Mr. Runciman:** I have a question for the Solicitor General, and if her staff are on their toes, she will be aware that I am going to ask her this question.

The minister should know that on December 3, 1988, the partially clad body of Valda Champagne Marks was found in an Ottawa parking lot with no obvious cause of death. The Ottawa police were unable to have a forensic autopsy conducted in Ottawa, so it was done at the ministry's Toronto Centre of Forensic Sciences. As of 11 o'clock this morning, 33 days after the death, the Ottawa police had still not received the results of the autopsy.

Can the minister explain why the autopsy has taken so long, and does she believe that kind of time frame is acceptable?

**Hon. Mrs. Smith:** The member says that he kindly advised my staff of this? Oh, I misunderstood. I do not have the detailed information. I would be glad to get it for the member and reply to him in person.

**Mr. Runciman:** I guess it does not surprise me. I said if her staff were on their toes, and I guess we all know they are not, because the minister certainly is not on her toes.

This concern about the Ottawa police force's inability to have forensic autopsies carried out in Ottawa was brought to the minister's attention by the member for Carleton (Mr. Sterling) last summer. It should be no surprise to the minister. She has done nothing to remedy that situation, and her inaction places homicide investigations in jeopardy.

What specifically is the minister prepared to do to ensure that forensic autopsies are carried out in Ottawa?

**Hon. Mrs. Smith:** These tests are carried out. It is my understanding that in some particular cases, to which this may also belong, the tests are very complicated, do involve prolonged testing and are therefore delayed. I am sure the results will be satisfactory when they are forthcoming.

1400

**Mr. Runciman:** That response is unbelievable. The minister simply does not know what is going on in her ministry.

I spoke to the Ottawa police this morning. They are not able to have forensic autopsies carried out in that city. They simply are not able to. The provincial government pays \$40 to \$50 for an autopsy. It costs the hospitals \$400. The Ottawa police require eight to 10 forensic autopsies a year. It would cost the province

approximately \$3,000 or \$4,000. Instead, they have to send corpses to Toronto, they have to ship cars to Toronto, they have to fly toxicologists to Ottawa for trials.

**Mr. Speaker:** Question.

**Mr. Runciman:** The minister is very quick off the mark when it comes to criticizing police forces across this province. Will she, for a change, stand up on behalf of the police of this province and ensure that the modest amount of money required is made available in order to perform forensic autopsies in Ottawa?

**Hon. Mrs. Smith:** The member should get his facts straight to ask these questions and not produce inaccurate facts. Forensic studies are done in Ottawa and were instructed to be done in Ottawa, but some particular tests cannot be done in Ottawa and are done elsewhere.

## NONPROFIT HOUSING

**Mr. Breagh:** I have a question for the Premier. Just before Christmas, the Minister of Housing (Ms. Hošek) seemed rather upset that apparently some \$90 million that she thought would be forthcoming from the federal government will not be available for nonprofit housing in Ontario this year. This is a little difficult to take, since this is the minister who in the last two fiscal years has wasted allocations of \$91.6 million in her own ministry for nonprofit housing.

Could we have the Premier's assurances that moneys that have been allocated for nonprofit housing in Ontario this year will in fact be spent and that those allocations will no longer be wasted at the end of the fiscal year?

**Hon. Mr. Peterson:** I want to say to my honourable friend I do not think his characterization of this is quite fair. It is not a question of its being wasted. One does not get the impression that there is money sitting around in pots around here, just waiting to be spent. That is not the way budgeting works. We have to make sure that every single dollar is well and effectively spent.

Obviously, we have substantially increased our programs in housing—the Treasurer (Mr. R. F. Nixon) could assist me with respect to the increase in that regard—and we will continue to do so. We are going to make sure that is well and effectively spent, and obviously, we need the support of the federal government in this regard.

**Mr. Breagh:** I do appreciate the lecture, but the Premier at least ought to know that when the government allocates money for nonprofit housing, the money is indeed set aside and is meant to



be used, and approvals are given to be used for nonprofit housing. In this instance, for the last two fiscal years, the government has allocated the money and the minister has been unable to process the applications.

Could we at least have the Premier's assurance on this, since there are now many projects that are on hold—and we are aware that movement of allocations from one particular program to another, for example, could ensure that these housing projects that have acquired the land could proceed.

Here is one example: a 105-unit co-op town house project at Bayview, north of Highway 7, in Richmond Hill, an area of the province that does not have very much in the way of nonprofit housing, I remind the Premier, utilizing lands once owned by the Ministry of Transportation and Communications. This one slipped by the Treasurer. They got this one at slightly below market value. Here is a project that has the land, that has the project in hand, that awaits the funding.

This project is now in danger because the federal allocations apparently are not coming through, but we are aware that the minister has allocations within her own ministry where that money could be used. Will the Premier give us his assurance that allocations already approved for nonprofit housing will be used to make this project a reality?

**Hon. Mr. Peterson:** I thank the honourable member for his constructive suggestion and I will ask the minister to look into that particular case. Obviously, we are most anxious that any housing project can proceed.

Just to widen this a little, we do think that the federal government has a responsibility in this regard, and the member will be aware of some of the ongoing discussions. It applies to other programs as well. If the federal government is in it, then it backs out; we step in and take it over. They continue to offload these programs from the federal budget. Yes, we are more than prepared to do our share and work on the particular application the member is talking about, although I do not know the details and I cannot give my friend a solemn commitment on that today, but what we have to make sure is that the federal government assumes its responsibilities as well.

Surely the member understands, shall we say, the difficulty the minister is in with respect to negotiating with the federal government. We need its help. We are certainly prepared to do our share. We do not want to see any lost opportunities in this regard and we want to continue with a

very aggressive program. Even though we have an extremely aggressive program and a lot of things are happening, my honourable friend is aware of the demand that is being created by massive in-migration, by new Canadians coming in here, a refugee program that is bringing more new people to our province. Immigration programs substantially increase the number of immigrants. We know that 50 per cent or 60 per cent of those will come to Ontario—all of this, so in spite of the incredible performance that goes on in terms of supply, it still is very difficult to keep up with this influx of people.

It is one of the downsides of the great success that we are enjoying, but we will continue to be as aggressive as we possibly can to approve these housing projects as quickly as we possibly can, to work with the federal government, because we are committed to making the most progress possible in these circumstances. I think my honourable friend will also want to make sure that all of these matters are appropriately dealt with and attended to in the proper way and all the proper procedures are followed, because he would be the first one to stand up in this House and criticize, I am sure, if that was not done. But I think he will see on the basis of—

**Mr. Speaker:** Thank you.

Interjections.

**Mr. Cureatz:** Is this how the Premier trains them in London?

#### ELECTRICITY DEMAND AND SUPPLY

**Mr. Cureatz:** I have a question to the Minister of Energy. The minister has reported in the Toronto Sun, "Cold strains Hydro."

**Mr. Ballinger:** All right, wave the paper.

**Mr. Cureatz:** They need a plug too.

As I have indicated to the minister previously, we on this side of the House have concerns about the capacity of Ontario Hydro to meet the electrical demands for the people of Ontario. Is he able to assure us in this House and the people across Ontario that Ontario Hydro is going to meet the demands that are going to be required of it in the upcoming few weeks as winter continues? The people of Ontario will have to keep warm and they need the electrical power.

**Hon. Mr. Wong:** I think the question the honourable member asks is one that is on the minds of a number of Ontario users, be they individuals, companies or industries. Let me assure the honourable member and the Legislature that the government has an energy efficiency and conservation priority policy in place, first, in



its energy electricity policy. As the first part of my answer, let me indicate that energy efficiency and conservation have immediate benefits. They have energy savings benefits. They have economic benefits. For the supply side, it means that Ontario will be able to defer the building of other major power plants into the future.

For those who may be concerned about how effective energy efficiency and conservation measures can be, let me also indicate that between 1973, when we had the oil price shock in the world, and 1986, energy intensity—that is, the amount of energy used per unit of economic output—improved, if my memory is correct, by approximately 17 per cent in Ontario.

As a second part of my answer, let me briefly say to the honourable member that we have a plan and a process in place, as he knows, to evaluate the demand/supply planning strategy and we expect to have results from that soon.

**Mr. Cureatz:** I can only say to the Minister of Energy that, for a newcomer here, he has learned very well. As the present Treasurer (Mr. R. F. Nixon) used to say, it is like nailing jelly to the wall. He did not answer the question. Is Ontario Hydro going to be able to meet the requirements for electricity by the people of Ontario? He should try to answer that. My supplementary is—

**Mr. Speaker:** I thought I heard it. If the honourable member had difficulty, I will give him another chance.

1410

**Mr. Cureatz:** The real supplementary question is: When is the minister's government going to make a decision to ensure that Ontario Hydro will be able to meet the capacity? I said before Christmas that I would give it a year to decide. I do not think it has a year any more, in view of what took place with the Metro Toronto transit system, which reached its capacity to be moving people here in Metro Toronto. When is it going to make a major decision as to what method of power it is going to use for the production of electricity?

**Hon. Mr. Wong:** The answer to the question of when, is that we made a decision as a government a year ago. We made a decision to make sure we had as open and responsive a process as possible for the government and the people to decide. First, there was a review of the demand/supply planning strategy by the Ontario government ministries, which I turned over to the select committee on energy. Second, there was a review by the specially appointed Electricity Planning Technical Advisory Panel to the Minis-

ter of Energy. Third, we very soon expect the results of the Candu nuclear cost inquiry. Fourth, we also expect the results of the select committee on energy soon.

The government intends to hand over all of this information to Ontario Hydro, so that on a very timely basis—the middle of 1989—Hydro will have the opportunity to present to the government and the people of the province some alternative plans and its preferred plan, so we can decide for the province how to ensure that our needs for the immediate and long term, to the year 2000 and beyond, will be met.

#### FEMALE STUDENTS IN MATHS AND SCIENCES

**Mr. Owen:** I have a question for the Minister of Education. We know that this government is committed to encouraging girls in our school system to pursue studies in maths and sciences. We know that the figures reflect this has been successful at the elementary level. We know it has been successful in grades 9 and 10, because there they outnumber the boys. But we are now finding out that, as of grade 11 and up, the girls are rapidly dropping out of the maths and the sciences, and we know the effect this will have on the potential for their futures.

I am wondering what the minister has by way of statistics in this regard and what the ministry is proposing to do about this problem, which is critical for the future of these girls.

**Hon. Mr. Ward:** The member has identified an issue which has long been of concern to my ministry, certainly to the Ontario women's directorate, and has long been a concern of mine as well; that being the number of female students enrolling in math and science courses.

We have in fact been promoting and encouraging young females to pursue courses in the maths and sciences. We have been monitoring enrolments and keeping statistics, and I would point out to the member that the programs we have had in place for the last three or four years are definitely producing results. Roughly the same number of female and male students are currently enrolled in math and science courses throughout the province.

There are still some areas of concern, though. For instance, there are still very few female students enrolled in physics courses. We will continue to promote the pursuit of careers and the pursuit of courses in those areas for female students.

**Mr. Owen:** People in education have given me some of their views. They feel there is still a



problem in identifying role models with certain families. They also tell me there is a problem with the industries themselves in accepting women into their workforces. I understand that in senior management in this province women still make up less than two per cent. I understand that of 3,000 partners in national chartered accountancy firms, there are only 15 women.

If they are not going to be encouraged to continue their secondary school studies in this area, there is no way they are going to correct this imbalance when they get to the university level. I am wondering if the minister is able to do anything with regard to the role model problems of families and/or with the industries themselves to accept and encourage women into these fields.

**Hon. Mr. Ward:** We will be working with many industry education councils that currently exist in this province to encourage those sorts of initiatives. In the coming year, we will be beginning a new in-service program for teachers to sensitize them on the gender issue, and as I indicated in my initial response to the question, we will continue to promote and support programs that do encourage female participation in nontraditional areas.

#### ONTARIO PLACE CORP.

**Mr. Philip:** I have a question of the Minister of Tourism and Recreation. When this government appointed Patricia Starr to chair the board of Ontario Place, we were assured that the annual litany of mismanagement, a litany coming out every year by the Provincial Auditor, would soon end.

Can he now explain how, under this new, reformed management, we now see that no tenders were called for on the leases on 10 restaurants at Ontario Place?

**Hon. Mr. O'Neil:** First of all, I would like to thank the member for Etobicoke-Rexdale for the question and to say that he is not correct. Mind you, I appreciate his interest in this.

I can tell him that, first of all, he is talking about a new board that has cut the deficit by approximately \$1.5 million this year.

In this particular case, he would also be aware that when the government goes for tender, there are two types of tender that can be used, either invitational tenders or advertised tenders. In this particular case, the board decided that it would go to invitational tenders and people expressing interest and/or invited to present proposals amounted, I am told, to 36 different firms or companies.

Following the 36 that had shown interest, those proposals were looked at by a subcommittee of the board consisting of four board members and three officers of the corporation, then they went to a full board meeting and if there were any questions in the case of some of these tenders and the board needed advice, the firm of Laventhol and Horwath was consulted or will be consulted for those that have not been awarded.

**Mr. Philip:** Having talked to the auditor this morning, I can tell the minister that he will have some serious questions that perhaps his board of directors was too incompetent to ask about these tenders.

Last year, the revenue from Ontario Place restaurants was \$1,075,358. There are clear requirements under the manual of administration that large contracts be tendered. In this case, even some of the previous lessees did not receive an invitation to tender.

Is the minister willing to dissociate himself with the remarks of his deputy minister, who rationalized this closed system of government that they have created by saying, "What we were asking for was a substantial investment, and we don't want to waste people's time with public tenders"? Is that the kind of system of government the minister is running?

**Hon. Mr. O'Neil:** Again, I think the member could hardly agree that there has not been interest when we have that number of people who have shown interest through the invitational tenders.

I can also tell the member that one of the areas the board is very intent on correcting is the utilization in making income from the restaurant side of it. This has been very neglected in the past. In fact, there have been some leases that were for long terms where there was very little money made out of it and very little service given. It is one of the directions the board has been given, to really correct this problem, and this is what it is attempting to do.

#### RETAIL STORE HOURS

**Mrs. Cunningham:** My question is for the Premier. When it comes to quality of life and Sunday shopping, he compares Ontario with the American model, British Columbia and Alberta.

Let's look at another province. The Premier is aware that New Brunswick has now decided to retreat from the local option with Sunday shopping and the resulting domino effect. Is the Premier aware of the negative impact the New Brunswick local option legislation has had on the families and communities of that province?

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**Hon. Mr. Peterson:** Is my honourable friend aware of any negative impact in Sault Ste. Marie on families? Is she aware of any negative impact in Fort Erie? Is she aware of any negative impact in Goderich?

**Hon. R. F. Nixon:** And South Dumfries.

**Hon. Mr. Peterson:** In South Dumfries, in the town of St. George? St. George is the repository of every good value in this province, as represented by the Treasurer (Mr. R. F. Nixon). I say to my honourable friend that she is a trifle alarmist.

**Mrs. Cunningham:** As usual, the Premier makes fun of this issue. This is just the kind of issue where we should learn from other people's mistakes rather than making our own. Sunday shopping is a drastic move for Ontario, one which will have a tremendous effect on the quality of life of our citizens, especially those who will be forced to work on Sunday. Let's face it, we are talking mainly about working women.

Given the experience in New Brunswick, can the Premier tell us, in preparation for the implementation of this legislation, what impact studies his government has done to determine the social and economic implications Sunday shopping will bring to Ontario's communities, and will he table those studies today?

**Hon. Mr. Peterson:** I can assure my honourable friend I do not make fun of serious issues. Sometimes, in fairness, I do make fun of silly approaches to serious issues or unsubstantiated claims or a lot of alarmist political rhetoric that does not make any sense. If the member is prepared to stand up in this House and say that the quality of life has fallen apart in Sault Ste. Marie, then go ahead and say it. If she is saying that they are all godless in Vancouver or Edmonton, then go ahead and say it. I think Mr. Vander Zalm would not agree that Vancouver is a godless city or that, in fact, British Columbia is a godless state.

When she penetrates through this nonsense and this, shall I say, emotional reaction not based on any substance whatsoever, I think my honourable friend will end up far more comfortable than she is at the moment.

#### IMMIGRANT SERVICES

**Mr. Faubert:** My question is to the Minister of Citizenship. I commend the minister on his announcement yesterday to provide additional emergency funding in the amount of \$276,000 to 14 immigrant service agencies to help them in

assisting refugee claimants awaiting a determination of legal status in this country. Indeed, I am sure that most immigrant service agencies are pleased with the minister's initiatives.

However, yesterday the response by two of our colleagues in this House to the minister's statement announcing this special funding left the impression that the government lacked a systematic approach in providing support to newcomers in Ontario. Will the minister assure this House that he will develop or is developing a more systematic and comprehensive plan to assist newcomers to participate fully and equally in our province?

**Hon. Mr. Phillips:** I agree fully that there is a need for a systematic approach to helping newcomers to Ontario to adapt to the province. In fact, as the Premier (Mr. Peterson) just said, this province is blessed in that well over 50 per cent of all immigration that comes to Canada comes to this province. I want to assure the member and the House that we do have a systematic approach. I will just outline a few things that we do.

There are, I think, about 80 community groups that we do fund on an annual basis: core funding to community groups to help them settle immigrants. We also have in this province five of our own, what we call, welcome houses: four in Metro Toronto and one in Hamilton. We had over 60,000 newcomers to Canada take advantage of the services of our welcome houses. We provide about \$14.5 million to community groups to help them with settlement services. So it is extremely important that I think we do, in conjunction with community groups, a good job of developing a systematic, annual, ongoing program to help newcomers adapt to this province.

**Mr. Faubert:** Yesterday the member for Markham (Mr. Cousens) raised another concern. He was concerned that newcomers, after initial settlement in their new homes, should receive additional assistance so that they can participate equally and fully in the life of the province. Can the minister advise this House if he will be developing assistance programs to ensure this full integration of our newcomers?

**Hon. Mr. Phillips:** I think it was a good point the member raised yesterday, which this member has reinforced; that is, the need to help our newcomers to adapt and participate fully in this province as quickly as possible.

As a matter of fact, it was about a year and a half ago that this government changed its policy to say that is the responsibility of every single ministry and not just a ministry such as the



Ministry of Citizenship. As a result of that policy change about a year and half ago, I am pleased to say there is not one single ministry in this government which does not have responsibility for ensuring that we provide equal opportunity and equal access for our newcomers to participate fully.

In fact, I think we had in the last year about 76 new initiatives designed to help our newcomers to adapt. I would just say that it is occurring in virtually every single ministry. I agree with the member who said yesterday that it is important that we have a program to help our newcomers as quickly as possible to participate fully and equally in all of the life of Ontario. I am pleased to say that, in my opinion, we have made good progress on that in the last 18 months. There is more to be done, and we will continue to do more.

#### DEATH OF PIERRE POULIOT

**Mr. Mackenzie:** I have a question for the Solicitor General. On June 28, Pierre Pouliot, a resident of Hamilton, a boilermaker, was killed working on top of one of the furnaces at the Copper Cliff smelter. To date, there has been no inquest called in this death. I wonder if the minister can give us some information about why it is taking this inordinately long time for an inquest to be held into this death.

**Hon. Mrs. Smith:** I do not have information on the particular case, but as I am on my feet, I am glad to inform the member for Leeds-Grenville (Mr. Runciman) that the results of the other forensic tests have now been forwarded to the Ottawa police—

**Mr. Speaker:** Thank you. Supplementary.

**Mr. Mackenzie:** Apart from the delay in holding the inquest which, as I say, is taking an inordinately long time for a mining death like this, the widow has been unable to get information she has requested about her husband's death in this case. I wonder if the Solicitor General can tell us how we would go about making sure she gets the answers to some questions she has requested about the death of her husband.

**Hon. Mrs. Smith:** If the information on the autopsy has not yet been made available, it can hardly be given to the widow.

#### HOME CARE

**Mr. Villeneuve:** I have a question for the Minister of Community and Social Services. The riding I represent has a much higher than average senior population. They are spread out in many small towns and in rural sections of the riding,

making it very expensive to deliver home services. This coming Monday, area residents will be rallying at a number of local Red Cross offices to demand the continuation of the homemaker service program.

Will the minister state specifically which groups have been contacted to see if they will provide this service in the rural areas of eastern Ontario if indeed he discontinues the Red Cross program?

**Hon. Mr. Sweeney:** Let me make it clear to the honourable member that I have no intention of discontinuing the Red Cross service. My understanding is that the Red Cross itself will be holding a general board meeting on January 20, 1989, to make that decision, one way or the other.

In response to a question by his colleague the member for London North (Mrs. Cunningham) yesterday or the day before, I think it was, I indicated that we are continuing our review of the request to the Red Cross. We hope to be able to assist them in some way. Quite frankly, I am hopeful that a negative decision will not be necessary, but if that is the decision of the Red Cross, then part of my responsibility is to attempt to assist the local community to find alternatives.

**Mr. Villeneuve:** I would like to point out to the minister that I raised this matter in the House on November 29, 1988, and the Red Cross is not the only organization which may have to cut back homemaker services. The Eastern Ontario Health Unit, based in Cornwall, has been ordered to cut back on a number of seniors' services in its homemaker program and has appealed to the province to fund, to just maintain the existing programs.

Is the minister serious about these cutbacks? How does he propose to care for these seniors and those in need if indeed these programs through the health unit are going to be cut back?

**Hon. Mr. Sweeney:** The honourable member will probably be aware of the fact that just in the last couple of years my ministry, with the assistance of the Treasurer (Mr. R. F. Nixon), has been able to put an additional \$40 million into the homemaker services in this province which did not exist before.

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That obviously is not sufficient to meet everyone's needs. We have no doubt whatsoever that if we are going to encourage and support people to remain in their own homes for as long as they possibly can, for as long as they wish to, we have to improve the homemaker services.

That is true. The member will be aware of the fact, though, that this is only one of a whole range of support services seniors and disabled people in this province want. We are certainly looking at how we cover that entire range.

**Mr. Harris:** On a point of order, Mr. Speaker: A couple of moments ago—I apologize that I was in the back and not in the chamber—the Solicitor General (Mrs. Smith) gave an answer to a previously asked question. I suggest to you that the member who asked that question ought to be allowed a supplementary.

**Mr. Speaker:** I appreciate the suggestion. The Solicitor General tried to respond. However, I did not allow it and asked for a supplementary. The member for St. Catharines-Brock.

**Mr. Dietsch:** Mr. Speaker, if time permits, the member will probably get his question in.

#### AUTOMOBILE INSURANCE

**Mr. Dietsch:** My question is to the Minister of Financial Institutions. I know the rate hearings that are going on with the Ontario Automobile Insurance Board right now include industry, government and consumers. I want to ask him particularly about public consumer participation before the current board. Can he tell us how many members of the public are taking advantage of these hearings that are going on?

**Hon. Mr. Elston:** Over the past few days, we have been reporting that there has been keen interest in these hearings on the part of the public, and naturally so. As the member knows, there was a wide distribution of advertising by the board, in some 300 newspapers across the province, to ensure there would be publicity to alert everyone to the fact these hearings were being carried on.

In addition to that, there has been very thorough coverage at the hearings by the electronic and print media, and by members of the public as well. As I understand it, altogether there have been about 4,000 telephone inquiries at the board.

The honourable member will want to know there are 37 members of the public who have participated in the hearings to this point. Some 80 witnesses have appeared, including, as I have related before, expert witnesses representing the Consumers' Association of Canada, others representing the industry the representatives of the board themselves. There has been very good public participation at that level.

In addition to that, there has been a number of pieces of correspondence, together with some 17 petitions. As reported, there is currently a

petition of some 50,000 names awaiting delivery at the board. The participation has been quite active.

**Mr. Dietsch:** I am receiving a great number of calls from my constituency, St. Catharines-Brock. Along with others in this House, I feel, as you do, that it is important consumers get their say. Can he advise this House if members of the public are still going to be able to participate in these hearings, and if so, how will they be able to participate?

**Hon. Mr. Elston:** Public participation is, as I said, quite active already. In fact, the public interest is represented not only by the consumers' association, individual public representatives and the mandate of the board, but there is also representation still able to be made by people. For instance, tomorrow morning—that is, Friday morning, January 6—is set aside for public representations, as so described.

I think it will be of interest to everybody in the province to understand that for the first time in the history of rate-setting for automobile insurance, the rates will be structured after a full public discussion of those items that are included in setting the rate. I think that will provide the consumers of Ontario with a unique opportunity that is not available to people in other parts of the North American continent, and probably throughout the world. They will be armed with the information that will allow them to compare the rates as marketed among the various insurance companies.

I can tell the honourable gentleman as well that contact ought to be made directly by any person from his constituency or throughout the province if he or she wishes to be heard at this particular time.

#### MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT

**Mrs. Grier:** I have a question for the Minister of the Environment. For some time now, I have been attempting to obtain from the Minister of the Environment an updated schedule for the municipal-industrial strategy for abatement regulations. During discussion of the minister's estimates, I asked if we could have the new timetable for the monitoring and regulation of industrial discharges and the minister said, and I quote from Hansard, "We can provide that." That was November 24.

As he did not provide it to the committee, I wrote to the minister asking the same question on November 28, reminding him of his commitment. I have had no response and I raised it again



in this House by way of a question on December 12. Can the minister tell the House what he is hiding?

**Hon. Mr. Bradley:** I do not know if I have enough time in question period to answer this in the appropriate fashion.

Interjections.

**Hon. Mr. Bradley:** I just wanted to give the opposition a chance to do some hollering. Seriously, I think I signed just about 400 letters last night. I finished signing letters at 2:45 a.m. the members might be interested in knowing. One of them was to the member for Etobicoke-Lakeshore, so she should be getting that through intergovernmental mail at the earliest opportunity because I know she was extremely interested at that time.

What I wanted to do was to provide a very up-to-date list of each of the regulations as it had been promulgated or the stage it was at. For that reason—

**Hon. Mr. Scott:** Comprehensive, too, Jim.

**Hon. Mr. Bradley:** Comprehensive, as suggested by the Attorney General. I expect she will be getting that very soon.

**Mrs. Grier:** It is not just myself as member for Etobicoke-Lakeshore who has been interested in this information. Normally, it has been provided in the annual report on industrial discharges for the ministry. I take it by the fact it has been so hard to obtain that the minister is prepared to admit to this House that the MISA program is seriously over schedule, that it is at least 18 months behind schedule in implementation of any of the regulations, that the complete program is not going to be in place for perhaps another two years, and that in the meantime there is no effective monitoring of industrial discharges to waterways of this province and no effective enforcement of the environmental protection regulations.

**Hon. Mr. Bradley:** The member would perhaps know that the premonitoring aspect of the MISA program has been going on for some period of time. She would know, for instance, that in the area of the St. Clair River where we have petroleum refining industries one of the things that was suggested was that we would find no specific kind of dioxin in any of the discharges or sludges. In fact, the pre-MISA monitoring discovered that.

She would know, for instance, that there are problems with the sewage treatment plants, which I have said for some time do not have the capability of dealing with the various toxic

substances that are put into them by industries that discharge directly into the sewer pipes of the province. We put out a report of 37 plants that had been done.

All of this has been going for some period of time. She would also know that I get nothing but criticism from her friends in the municipalities and others over the rate at which we are going. They say we are pushing too quickly. They say we are rushing into this.

I am attempting to meet the legitimate needs of those who want to have public input and the member for Etobicoke-Lakeshore on many occasions—and very legitimately, I say—has said, “We should consult with the public on all of these. I have provided that mechanism for consultation and as a result the kind of monitoring regulations we are going to get are going to be the very best possible.

#### CONSERVATION AUTHORITIES

**Mr. Pollock:** I have a question for the Minister of Natural Resources. In a recent statement in the House and in a letter to the minister, our party has asked for public hearings and a government review of the conservation authorities. Can the minister tell us today whether he is going to sponsor a public forum for interested people to exchange their comments and criticisms of the Bugar report?

1440

**Hon. Mr. Kerrio:** The report that was brought down by Mr. Bugar to look at 40 years of conservation authorities in the province, and how they might be improved and how they might be brought into what you might call the modern kind of assessment we need by conservation authorities is, I think, a document that is widely distributed to anyone who wants to see it. We are looking for meaningful input and that is the reason the document is out there, for study and for reports.

On the degree we would have public forums to examine it, I am not sure I could make that commitment here, because every possibility is available to the individuals, the groups, that would like to examine the report. I would like to say that the report is a very good move forward, that it was asked for by the conservation authorities themselves. We are just responding to the conservation authorities’ request to have a good overview of the conservation—

**Mr. Speaker:** Thank you.

Interjections.

**Mr. Speaker:** Order. Final supplementary.

**Mr. Cureatz:** Good ruling, Mr. Speaker. We're on your side today.

**Mr. Pollock:** Thanks, fellows.

I did not hear a reply to my question. Is the minister actually going to have a public forum and let people express their views on the Bugar report? I think it is very important. The Bugar report actually—

**Mr. Speaker:** I believe the member has asked the question again.

**Hon. Mr. Kerrio:** It is obvious that while the member was thinking up his supplementary, he did not listen to what was being said. I said I did not feel that was necessary at this time because of the widespread ability of people to study the Bugar report. I have already got back some substantive reports on people's consideration of the report. To have widespread public involvement at this point in time does not seem necessary.

**Mr. Speaker:** That completes oral questions and responses and an extra supplementary.

## PETITION

### TEACHERS' SUPERANNUATION FUND

**Mr. Hampton:** I have a petition that is submitted by a group of retired teachers.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To amend the Teachers' Superannuation Act, 1983, in order that all teachers who retired prior to May 31, 1982, have their pensions recalculated on the best five years rather than at the present seven or 10 years.

"The proposed amendment would make the five-year criteria applicable to all retired teachers and would eliminate the present inequitable treatment."

I have affixed my signature to the petition.

## MOTION

### COMMITTEE SITTINGS

Hon. Mr. Conway moved that the standing committee on finance and economic affairs be authorized to meet following routine proceedings on Tuesday, January 10; Wednesday, January 11; Tuesday, January 17, and Wednesday, January 18, 1989.

Motion agreed to.

## BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** Before orders of the day, I would like to take the opportunity to report to

the House this afternoon on discussions at the House leaders' meeting this morning concerning the business this afternoon.

As members know, Orders and Notices today calls for resuming the adjourned debate on the motion for the second reading of Bill 124. I want to inform the House that following upon an agreement by the House leaders this morning, in the event we complete that debate, assuming we complete the second reading debate of Bill 124, we will then by consent proceed with second reading of Bill 188, An Act to amend the Juries Act, and time permitting, second reading of Bill 4, An Act to amend the Metropolitan Toronto Police Force Complaints Act.

## ORDERS OF THE DAY

### CHILDREN'S LAW REFORM AMENDMENT ACT

(continued)

Resuming the adjourned debate on the motion for second reading of Bill 124, An Act to amend the Children's Law Reform Act.

**Mr. Speaker:** I believe the member for Hamilton Mountain adjourned the debate. He may wish to continue.

**Mr. Charlton:** I do. Thank you, Mr. Speaker.

When I concluded my remarks yesterday, I was dealing with the question of litigation and the appropriateness of the court as the place to resolve practical, emotional, family-related problems. The court is a good place to determine the splitting of assets in a marriage breakup. The court is also perhaps an appropriate place to determine whether or not access of the noncustodial spouse is appropriate at all; in other words, if there are serious problems that would warrant disallowing access of the noncustodial spouse, then the court is the appropriate place to make that decision.

But the court is not the appropriate place to try to sort out the practical, emotional problems people face in trying to arrange access and to make access work in practical terms. As a number of my colleagues have said during the course of this debate, the question of problems around access—access orders that are not lived up to—usually relates to a fear on the part of the woman, because of abuse that has gone on in the marriage, for her own personal health and safety, or perhaps for the personal health and safety of the child or to an emotional inability to face that former spouse and partner on a regular basis.

I think we have all learned over the last 20 or 25 years that emotional problems can have a very serious impact on the lives of individual people,



and the courts are not an appropriate place to try to resolve those emotion-based problems.

If you read the sections of Bill 124—I guess it is even clearer in the explanatory notes than it is in the sections. It says, “If an existing court order provides for access to a child at specific times or on specific days (or if a separation agreement containing specific access provisions has been filed with the provincial court (family division) or the unified family court), a person who claims that he or she was wrongfully denied access to the child may make a motion to the court.”

Again, I ask members to think back to the dilemma we faced with support payments, the regular recurrence of failure to make support payments and the mechanism we had to set up in an attempt to resolve that problem. We are walking into the same trap here. We are saying that where there is an access order and there is a failure to live up to that access order, the wronged party has the right to go to court, but we all know that if the problem is an emotion-based problem, going back to court and ordering the access yet again is not going to resolve that emotional problem. The wronged individual is going to be back into court and back into court.

If we, as a Legislature, as not only the body responsible for the creation of the laws but also the body responsible for attempting to ensure they are workable, think seriously about that not only in the context of the inappropriateness of that constantly repeating process, but also in the context of the costs we are already faced with in our court system and the escalation of costs that will result from that kind of use of a very expensive process, at the same time as we stand in this Legislature and deny funds—very minimal funds compared to the cost of our legal system—to the kinds of agencies that can provide the mechanism to deal sensitively with the kinds of emotional problems that confront families that have broken up, families that have lost the love, that through abuse or just through new relationships, disinterest, changed attitudes, any number of things, are no longer compatible and no longer want to be confronted by each other for a whole range of reasons that we have set out so many times, the kind of mechanism we need in place is not a court procedure which costs the wrong party money every time there is a denial of an order, a failure to live up to an order for access.

**1450**

That court process also just heightens whatever the emotional impasse is. It is a process that cannot help but foster an ever-increasing growth of whatever resentment and emotional inability

to confront the situation has caused the problem in the first place.

The kinds of agencies that we are talking about here, the kinds of agencies that to date the government has, on the one hand, applauded and, on the other hand, refused to fund, are agencies that will in the long run cost this government a lot less money than what this kind of a litigation proposal will ultimately impose on this society.

Let’s just for a moment think about what it is we are trying to deal with here. There are exceptions, but in most cases child custody is awarded to the mother. In most cases, it is the father who is seeking access; and as I have said, there are some exceptions to that.

The father who is seeking access may have been one of those fathers who abused his wife and perhaps his children as well. That is not to deal with the question of whether he loves those children or not, though, and whether or not some access in a parental way to those children is appropriate. The courts will decide that and the courts will order the access if it is appropriate.

But is a constant appeal to the courts an appropriate mechanism to ensure that that access, once it has been ordered, in fact happens? I am suggesting no, because it simply does not deal in a personal or emotional way with whatever has created the problem.

The kind of agency that we have, and we have heard the member for Etobicoke-Lakeshore (Mrs. Grier) talk about it in her own riding, is the kind of thing that, as a Legislature, we have to be looking at and be prepared to fund. It is the kind of agency that not only can separate the access to the child from a confrontation between the two parents who, for whatever number of emotional reasons, do not want to confront each other, can provide that neutral ground between those two ex-spouses or separated spouses or whatever the case happens to be, but also can provide the mechanism for supervision when in fact the court has deemed that supervision to be necessary.

Again, I ask members to think about what it is that courts do when they award access. The court not only sits down and listens to both sides, to both spouses and often to many other witnesses, family witnesses, neighbourhood witnesses and so on, in terms of questions of violence and abuse, but also the court ultimately determines that there should or should not be access.

If the court determines that there should be access but that that access should be supervised, what mechanism do we have in place in this province to see that that occurs? What mecha-



nism have we, as a Legislature, put in place to make that court order workable? We have none. There are a few in existence because they exist in their own right, but we are trying to impose a law here for which we have not provided effective implementation. The sections here which deal with the right to go back to court when an access order has been violated or denied put forward a right that perhaps should exist, but a right that would be unnecessary if the mechanisms were in place to make the original order workable in the first place.

In large part, what we as a caucus are saying in this debate is that, as a Legislature, we not only have an obligation to create laws which would appear to be fair and just, but also have an obligation to ensure that there is some practical way of applying those laws, so the fairness and the justice that the words imply can be gained in reality by the people who are out there trying to, for themselves or for others, have access to a law or a protection which they see written on paper.

If there is no real or effective or practical mechanism in place by which the law can be implemented and the orders of a court can be implemented, then in our view we have failed in our job as legislators to provide the fairness and the justice which the law implies.

Before I wrap up, I want to deal with the question of mediation for a few moments. I think the parliamentary assistant and the minister will find, both through the comments of those from our caucus who have spoken and those discussions which will go on in the committee, that we are not opposed to mediation as one of the potential mechanisms for the resolution of access problems where it is appropriate. On the other hand, we are opposed to mandatory, imposed mediation in all cases.

I go back to what I was saying earlier. If the state imposes mediation on two people who do not want to deal with each other or if the state imposes mediation on a father who is seeking access and a mother who is emotionally afraid, because of physical abuse that has occurred, to have anything to do with that man, then the mediation process will likely mediate a solution in some fashion.

But I think that even the parliamentary assistant would agree that if someone is forced into a mediation system about which he or she is emotionally terrified, there is no question that the person will be intimidated by that process and will therefore likely be the loser in that process in some fashion; that some of his or her rights will go unprotected; that some of his or her abilities to

have a say in an appropriate way will go unexpressed.

By the same token, mediation cannot be something that is imposed at the demand of one of the two parties. Mediation will only work, as it is intended to work, when all of those who have reached an impasse agree that perhaps sitting down with a neutral third party and talking it through might be the best way to go.

### 1500

We have absolutely no objection to mediation in that kind of a setting where all of those who are part of an impasse agree that talking it through with a mediator is an appropriate opportunity to perhaps find a solution they have been unable to find in their emotional dilemmas. That is fair and that is appropriate in that kind of a situation.

I want to emphasize to the parliamentary assistant and through him to the minister that that is the only circumstance in which we see mediation as a workable route to a solution. In the rest of the cases where there are serious emotional fears involved, they are likely going to have to be resolved through other mechanisms, the kind of agency mechanisms we have talked about for some months here in this House; something that can provide a solution while allowing the parties involved to deal with their emotions and their fears in isolation from those they do not want to be party to, confronted with or in any kind of contact with. As we all know, those kinds of situations are going to be fairly significant in terms of numbers in the kinds of circumstances we are trying to deal with in this piece of legislation, Bill 124.

Just in wrapping up my comments on this bill, it is a very emotional one for a lot of people. It is a very emotional debate from the point of view of women of broken marriages, from the point of view of men of broken marriages and I guess, most specifically, from the point of view of the children of broken marriages. It is our obligation, because we all understand the hurts and traumas that broken families go through, to provide the best, most sensible, most sensitive, most workable legal solutions to the kinds of problems that evolve in this sector.

It is our view that although the courts have a role to play in that and a very important role to play in some aspects of that, in the final analysis, in terms of the day-to-day practical working of the emotions of a broken family, the court is probably the least appropriate place to resolve those kinds of disputes.

**Mr. Morin-Strom:** I am pleased to have the opportunity to speak on Bill 124, An Act to



amend the Children's Law Reform Act. This is a bill which is purported to improve the relationship governing separated parents and the access and enforcement that will be provided to parents to their children after separation agreements have been made and court orders are in place.

This bill, though, has the potential for doing serious harm to parent-child relationships and for putting, in particular, women and their children at risk in many situations. Most fundamentally, this bill does not take into consideration the primary interests of the child. This bill is designed under a premise that what is in the best interests of the parents is automatically in the best interests of the children.

We have, in the original statement of the Attorney General (Mr. Scott) on this bill, a final conclusion that he made that we have a bill that recognizes and supports the right of a child to access. However, I say no, we do not; we have a big omission in this bill. This bill in particular does not recognize a child's right to refuse access. In this bill, children are being used as pawns to satisfy the noncustodial parent's self-interest.

More damage will be done by this bill than it hopes to remedy. The minister has admitted that it is only an exceptional case when a custodial parent refuses access. Ensuring access for a child may not be in the child's best interests for many reasons which I am going to detail this afternoon.

Ensuring access and the best interests of the child are not included in the provisions of this bill. The provisions of this bill include gross oversights. Obviously, this bill was developed by persons not well informed on the subject of custody and access. Custodial parents, women particularly, were not consulted about the possible ramifications of the bill.

I would like to go through some of the aspects of this bill which cause serious concern for many people across this province. I start with just the first section of the bill. Subsection 1(4a) says "each shall, in the best interests of the child, encourage and support the child's continuing parent-child relationship with the other." In fact, this may not be in the best interests of the child. There is no mention made about the child's other relationships; relationships, for example, with step-parents who may be functioning as primary or secondary care givers.

There is the potential for unhealthy emphasis on biological parents particularly and on the maintenance of ties with their biological children, on the assumption that this is what is best for the child. The assumption is that the

biological parent is responsible enough and caring enough to maintain such contact.

In fact, we know in family relationships that in many cases the primary care giver, the person who is most concerned about the children, is not the biological parent but a step-parent or a new adult who has come into the household. This focus on the needs of the biological parent does disservice to the children we are so concerned about.

Further into section 2, at clause 2(2)(h), we have again the emphasis on "the relationship, by blood or through an adoption order, between the child and each person who is a party to the application or motion." This emphasis on blood relationship should not be given paramount importance in comparison with those who in fact are the care givers and are providing the primary relationship with the child.

In subsection 2(3) we have a major problem, because the provisions of restrictions on access are provided: "the fact that the person has at any time committed violence against his or her spouse or child" However, there are many types of violence. The emphasis on physical abuse or violence as the sole means of restricting access is a limiting factor in this bill which is completely inappropriate.

A major problem with this section is that it does not include verbal and emotional abuse, which is now recognized by experts to be at least as devastating as physical abuse and violence, although admittedly not potentially life-threatening for a child or adult in a physical sense.

#### 1510

In this bill, if we look under section 6, there are a number of amendments to section 35 of the Children's Law Reform Act and there are various provisions under section 35a of that. In clause 35a(2)(c), we have requirements which would require the reimbursement from a parent demanding access back to the parent receiving support of reasonable expenses incurred as a result of wrongful denial of access.

The idea that parents who are not the custodial parents may be able to demand moneys back from the parent who is the primary care giver puts a real financial hardship upon the primary care giver and the child himself or herself. Reimbursements would most likely put a custodial parent, often women who are living on meagre incomes as it is, into financial hardship.

Upon divorce, on average, a woman's annual income decreases substantially while a man's annual income increases, thus promoting an



already imbalanced situation. The idea or concept that the woman, who is typically making much less, should pay a fine or penalty back to her former husband, who is not the primary care giver, is a completely inappropriate provision in this bill, one that penalizes not only the woman, obviously, but the children as well, who are often living in situations where they do not have the levels of income and the provisions of life that they may have had if the family unit had stayed together.

In this bill we have a number of provisions. One of the main objectives of the bill is to speed up access in cases where a parent demanding access has been denied, and this bill provides for a very quick court process for allowing that access. For the motion, under subsection 35a(7), as proposed by this bill, the courts would have to provide a speedy hearing within 10 days after it has been served and not more than 30 days after the alleged wrongful denial or failure had occurred.

This idea that the motion for enforcement of access rights will be heard between 10 and 30 days after it is served is really an inappropriate one in comparison with the kinds of speed women have in terms of court process for getting support payments. The Support and Custody Orders Enforcement Act in fact has no minimum time limit in which a hearing for default on support must take place.

Obviously, this could be seen as blatantly favouring men, since most custodial parents are women and parents making support payments are most often men, for support default takes usually four to six weeks before a hearing takes place.

Why is it that this government wants to make access enforcements take priority over custody and support? When support payments are not paid, children could become the innocent victims if their homes could not be paid for and there was not enough money for food or clothing in the household. Surely this is a much more serious situation that has direct harm and direct effects on the children involved and the government's priority, in terms of our overtaxed court system, a court system where we do not have enough judges in place, where we cannot get court process to occur quickly enough, its emphasis should be on ensuring that the incomes come into the families, come to the parent who is the primary care giver and that she or he can provide that kind of care that is needed for the children. That certainly should take priority over the parent who is demanding access but is not providing that day-to-day care.

These situations are very real for the many women who are single parents and live below the poverty line. Ten days does not leave nearly enough time to obtain medical evidence, if needed, or to retain or instruct a lawyer under such a court proceeding.

Other important child protection measures take at least two weeks after a child apprehension to be heard. As well, interim custody and support hearings have to wait two to three weeks to take place. Clearly this is a case where this government would rather favour, in most situations, the man who is not providing the daily care but wants access to his children over the woman who is providing that daily care but is not receiving the funds that she should be receiving under the custody orders.

In some of the other provisions of the bill, we have unreasonable limitations in situations such as the time the children should be expected to wait for the parent demanding access to arrive and take the child. Under paragraph 35a(4)4 the party demanding access has one hour from the time specified to arrive and receive the child to whom access has been granted.

For children this is a very long waiting period. It would be much more reasonable to allow a limit of something on the order of 15 to 30 minutes for a child to wait, wondering if this second parent is going to show up to pick up the child.

Under the provision just before that, there are provisions allowing a woman to restrict access if the other party has been impaired by alcohol or drugs at the time of access. However, there is nothing here about impairment or drug abuse during access time, or about the parent who returns the children while under the influence, possibly even after operating a motor vehicle with children in it. We would have to ask whether the custodial parent can deny access at a future date if he believes the same situation might happen again. This bill does not provide for that type of restriction on future access.

Again, in terms of what rights the woman has to restrict access, the woman can if she has reasonable grounds to believe that she may "suffer physical harm if the right of access were exercised." This government is preoccupied with the aspect of physical harm. It is not concerned about types of mental and verbal abuse and harm that can be done to the custodial parent and her children.

Only physical harm is mentioned as a reason for refusing access. What about emotional and verbal abuse, such as the commonly experienced



threats, belligerency, destruction of property and, in general, cruel behaviour that custodial parents often face?

Most fundamentally, under section 35a(4), which gives a listing of the various provisions that constitute legitimate denial of access, we do not have any provision for the child's wishes. There is no recognition of the child's point of view or the child's desire in this bill. No mention whatever is made of the child's wishes in this subsection 35a(4).

**1520**

Often, children will demonstrate a reluctance to be around a certain individual before they can admit that the person may be sexually abusing them or abusing them in other ways. A child who is fearful to speak up about such a potential situation must have his wishes respected. Custodial parents should not have to force a reluctant child to visit the other parent. Children are not pawns to satisfy either parent's self-interest. From an early age, even preschoolers have distinct likes and dislikes, and before they can verbalize well, their instincts and feelings can tell them when to avoid situations and people who make them uncomfortable, for reasons which may not be clear to them.

It is incumbent upon us to take the child's wishes into account. If the child feels uncomfortable and does not wish to be with the second parent, the child should not be forced to satisfy the whims and desires of that parent against his wishes and have to spend time with that parent.

In many cases, what is happening is physical and emotional abuse in those situations. The children are in a position where they will not admit what is happening in that relationship, but they will be indicating what their wishes are in terms of not enjoying the experience, not wanting to have to undergo that access.

Finally, the change under subsection 35a(9) in respect to access is "shall be determined on the basis of oral evidence only." One has to question why only oral evidence is to be included in the judge's decision. In many cases, we have women who have been in an abusive relationship, who are intimidated by their former husbands, and if they are forced to make a presentation or a statement in front of a court or a judge with the husband present in a court proceeding, they will be intimidated to the point of not being able to be open and forthright about the situation they and their children are facing.

Women should have the right to provide evidence other than strict oral evidence, and we should also have the provision for the presenta-

tion of evidence from other experts who have had the opportunity to analyse the child's wishes and make testimony on behalf of the child's interests in these kinds of situations.

We can look at what the Attorney General said in some of his statements upon introducing this bill last year. I quote the Attorney General: "Children should never be used as pawns and this bill underlines that principle."

Well, this is just not true. This bill encourages the use of children as pawns. Their refusal to visit a noncustodial parent is not considered a valid reason for the custodial parent to deny access. Surely, this is taking away the rights of children to decide and to indicate their wishes and have them heard.

The Attorney General went on and said, "Children have the opportunity to know and to learn from both of their parents." However, this statement fails to recognize that children can know and learn how to abuse and control women by forcing them to be witnesses to their father's abuse of their mother during access times. If the man has a problem with abuse, he may also be abusing his children—not positive learning experiences or knowledge for these children.

Again, high priority is given to the two biological parents when, in fact, step-parents and adoptive parents should have as much of an opportunity to pass on knowledge to their children as the biological noncustodial parent.

In fact, I think most would agree that those who are the primary care givers, who are with the child hour after hour, day and night, are the ones who should be the prime educators, the prime people making the decisions on behalf of children and the ones who are providing the learning experiences to those children. The concept that a biological parent should have the same access as another parent or primary care giver who is providing the care is one that just does not make common sense.

The Attorney General went on in his statement and said "access can be legitimately denied, either by the court or, in exceptional cases, by the parent who has custody of the child." If the cases of denial of custody are so exceptional, why the need for further seemingly needless legislation such as that being put forward here today by this government?

The Attorney General in his remarks went on to say, "We also want to avoid the situation where wrongful denial of access has led to courts suspending the requirement for child support payments, or to parents simply refusing to pay support until access is granted." However,



compensatory payments by the custodial parent also have the potential of forcing children to suffer materially. Surely the child should not be the one to bear the penalties of court action in such cases.

The Attorney General went on to say "parents shall encourage and support the child's continuing relationship with both parents." But it should not be a priority if the children are at risk themselves from psychological or physical harm or are at risk of being forced to witness the abuse of their custodial parent during access periods.

That is the situation today in Ontario. The province has not provided for access locations in communities across this province. Custodial parents do not have the right for an independent location where their emotional and physical state can be protected at the time of the transfer of the child to the parent who is demanding access.

We have to have a government committed to providing the process so that the court orders which are in place can be dealt with much more effectively than they are today.

One of the most serious aspects of this bill has to do with mediation. In this bill courts are given the right to order mediation between the two parents in cases of dispute. However, a mediation process is not necessarily a fair process. In fact, in a situation in the state of California, which had moved towards enforced access, a major study has been done in recent years of the results of this type of mediation process.

I would just like to quote briefly from the final report on the California state Senate's task force on family equity with respect to forced mediation in California on these kinds of agreements. Their document states:

"The basic premise of mediation is that parents' voluntary settlement rather than litigation of custody and visitation disputes serves children's best interests. The purpose of mediation is to provide a nonadversarial process to assist parents in developing these voluntary agreements regarding child custody and visitation. Mediation is intended to promote parental 'self-determination' as an alternative to litigation where the state, via the judge, makes the decision and imposes it on the family.

### 1530

"The mediator does not act as a judge or advocate. The role of the mediator is to serve as a neutral facilitator in this process of parental self-determination and settlement. Unlike a judge, the mediator is not supposed to impose a decision on the parents. And, unlike the attorney, the mediator is not supposed to protect or

advocate the position of one parent over the other.

"Certain safeguards are necessary if mediation is to fulfil its purpose. First, parents must have equal bargaining power since they do not have advocates on their behalf involved in the process. Second, the mediation process must be confidential so that the parents can freely and voluntarily come to their own decision without fear that disclosures and decisions made during mediation will affect litigation should mediation fail. Third, there must be some protection to safeguard against possible mediator bias.

"The ability of mediators to make recommendations to the court rather than maintaining neutrality can undermine the nonadversarial nature of the mediation process and permit coercion of parties to enter into agreements which are not in their children's best interests."

This is the fundamental result that has come about from this type of mediation process and the study of the effect it has had in California. I quote further:

"The ability of mediators to make final recommendations can discourage parents from negotiating in good faith without fear of impacting on court proceedings. For example, parents may fear being candid in mediation and may not reveal relevant confidences which could be used against them by the mediator in his or her recommendation."

It goes on:

"Furthermore, mediator recommendations may be based on evaluation of the negotiating skills of the parents in the mediation process rather than an independent evaluation and assessment of each party's parenting abilities and the child's needs. How parents negotiate or conduct themselves during mediation does not necessarily reflect their parenting abilities. The fact that a parent is willing to compromise or appears reasonable and co-operative in mediation does not mean that the parent is necessarily fit or competent for custody, and vice versa."

In many cases, what happens is that the father, who may be better educated or better coached by his attorney, is able to convince the mediator of his concerns while the mother, who in fact is the one who is caring for the child, is not as good a negotiator but is a far better care giver and the one who should be given primary consideration in the mediation process.

The task force recommendation goes on:

"The task force recommendation will protect children by discouraging agreements based on undue coercion of the parents, rather than the



children's best interests. This recommendation does not interfere with and in fact promotes, the underlying premise and goal of mediation to assist parents in working out a voluntary agreement regarding custody and visitation."

This recommendation of the task force is that restrictions be placed on the mediation process and that the wide-open encouragement of mediation, as had been the case in California previously, should be changed back to a more restrictive ability to enter into mediation.

It goes on:

"Mediation assumes an equality of bargaining power between the two parents. In cases where there has been a history of spousal or child abuse, one party has exerted continuing control over the other by violence or threats of violence. Victims of domestic violence are intimidated by the abusing spouse or parent and may be incapable of asserting their own interest during mediation for fear of later retribution. In some cases, the battered spouse is forced into mediation with the abusive spouse only days after a beating.

"Thus, victims of domestic violence are particularly vulnerable to coercion in the mediation process. They may agree to inappropriate arrangements that actually endanger their physical safety and that of the child, such as joint custody or unsupervised visitation.

"Domestic violence experts and advocates recognize that mediation is inappropriate and dangerous in cases involving a history of spouse and child abuse. "A preliminary Canadian study found a significant difference in post-separation violence when victims used an adversarial divorce process instead of a conciliatory process; 57 per cent of abused wives suffered further abuse after use of the conciliatory process, as compared to 35 per cent of wives who used a more adversarial process. The New York Legislature recently rejected mediation legislation, in part because of its failure to expressly exclude domestic violence cases.

"Under current California law, victims of domestic violence are required to go through mediation. The statute does not even permit a court the option of exempting such cases from the process. The task force recommendation would grant the court the authority to protect domestic violence victims by exempting those cases from mediation or, in the alternative, precluding face-to-face mediation. This recommendation is necessary to ensure that all possible safeguards have been provided to protect the fairness and balance of power of the mediation process, and to

prevent further danger to domestic violence victims who enter this process."

I think this report from California quite clearly lays out the problem with the proposal of this government, which in fact is going in a direction that has proved to be so unsuccessful in other major jurisdictions. The state of California, in which we already have the test case, is moving away from enforced mediation while Ontario is moving towards it.

Surely no one expects that a woman who has been subject to physical and mental, emotional abuse, when in a face-to-face mediation process, is going to have the same power and the same ability to negotiate and to get what is in the best interests of her child when faced with a former spouse who has been so abusive.

Finally, as a personal note, I just provide an example of the kinds of problems that have been faced by one individual in my community who wrote to me and provided an example of the kind of abuse that she and her children had faced. Her statement is as follows:

"I can vouch for the last statement. When I was separated from my ex-husband, my child, who is two years old, witnessed 10 times more frequent and severe abuse during access periods than all the time when her biological father and I lived together. At two, she was even able to verbalize that she was 'scared of her dad.' The evening he threatened to really hurt her because she was crying too much was the night that I obtained a legal separation. The worst part is that my ex-husband's abuse was minor compared to most other women's experiences."

I want to protect the identity of that individual, but it is very reflective of the kinds of situations that women are facing across this province. They have extreme difficulty in having to face their former spouse who has been abusive to them and in fact is becoming much more abusive after the separation. In these periods when the access is being provided, when in particular there are no supervised locations in Ontario for that access in almost all communities of the province, that access is providing a new opportunity for the abusive spouse to continue with verbal and mental abuse against the custodial parent and against the children; abuse which is continuing in this province, which will be further promoted by a bill such as this government has provided for us today.

**1540**

I think that, as responsible legislators, we should look at what this government is trying to do and put in our minds, first and foremost, the



interests of the children. The children are the ones we should be primarily concerned about. We should be doing what is in the best interests of the children in relationships which have broken down where separations are in place. The priority in terms of these court orders should be placed on the wishes and the best interests of the children involved.

I suggest that this bill does not do that in the least. The government should go back to the drawing board. We must have open hearings on this bill, so that full representation is permitted for the women of this province and for everyone across the province who is concerned with the Children's Law Reform Act. I hope we will have wide-open public hearings and come back to this Legislature with a real bill that provides for the best interests of all the children of Ontario.

**Mr. R. F. Johnston:** I am pleased to have an opportunity to rise and speak on this bill. The members will be pleased to know that I have obligations in committee as well and therefore cannot stay and give one of my long, rambling speeches. Instead, I will give a short, rambling speech and amaze them as much as I can.

There are many pieces of legislation that come before this House which have emotional value: the Line Fences Act and various matters around ditches and other kinds of things which we deal with from time to time. Then there are bills like this, the Act to amend the Children's Law Reform Act, which are highly emotionally charged and incredibly, viscerally important in very specific ways in the lives of many people in Ontario who are in very troubled emotional times themselves. It is the kind of bill which deserves a long and serious debate. I am a little disturbed to see that there have not been many members from the government side who have chosen to speak on it at this point.

I think it is important to look at this in the context of changes in the last number of years and to recognize the role of members of all parties who have been concerned about the need for some changes and the need to reflect upon the balances which are there to do with custody and support payments on the one hand and access provisions on the other. Over the last number of years, I have been involved in many discussions about the need to have reform of this legislation, and I am pleased that action has been taken.

I should recognize the role that has been played here by the member for Etobicoke-Humber (Mr. Henderson) and his private member's initiatives, and by the member for Markham (Mr. Cousens) and his attempts to deal with

the question of mediation. I think each of the attempts we have had before us, the two private members' attempts and now the Attorney General's approach with Bill 124, have indicated that this is a very difficult area to legislate.

It is an area where, no matter which kind of approach you take, you are going to attract flak and fire; you are going to be charged with distorting the balance of rights in one way or another, and perhaps most dangerous of all, with endangering the rights of the children who are often the victims of our present divorce and separation legislation.

It is my opinion that this particular act is unsuccessful. It is my hope that the Attorney General and his parliamentary assistant, the member for Mississauga North (Mr. Offer), will take the hearings process very, very seriously and will perhaps rethink some of the premises behind this act.

If they will not go that far, we hope they will look at some amendments to and clarification of things such as mediation which are involved in this present piece of legislation, look at the question of grandparents' access more specifically than is done in this piece of legislation and look outside the legislation at ancillary services, which are the real key to making any of these things work.

I think it is fair to say that we have made some major steps of progress in the last number of years on the question of support payments for women in the province. We are all familiar with the fact that for years and years a huge percentage of women who expected to receive support payments were not receiving those support payments as they had been court-ordered or agreed to by separation agreements or divorce settlements.

The action taken by the government following the lead of the government of Manitoba a number of years ago in taking a role by the state to ensure the enforcement of those support orders was a very positive step to take, but it also brought with it reactions, mostly from the men who predominantly pay the support payments in the province, that they were not getting their quid pro quo, which was a better guarantee of access. A lot of us over the last number of years have had many deputations of people coming before us saying, "It's time to recognize the fact that access is not guaranteed as one would hope either."

We have here in the gallery today people who, from the perspective of other members of the family, specifically the grandparents, have been saying "We should not be excluded from this



either.” Especially where it is a question of being the parent of the noncustodial parent involved, that grandparent has no real entry into the system, no real means of being able to be sure that he can keep a relationship with that grandchild.

I am glad, therefore, that the government, as is always the case when these imbalances start to take place, has responded with legislation; but it seems to me that the government has not dealt with it in the best way that it might.

I think the member for Rainy River (Mr. Hampton) pointed out what is probably the most serious dilemma posed by this legislation: it suggests that swift court action following a breach of an access agreement be the primary means of dealing with the problem at hand.

In his speech the other day, which I have had the chance to read over very carefully, and from his experience as a lawyer who has dealt with cases, the member talked about his concerns about that kind of a process being the fundamental block upon which the rights of access would be dealt with.

He talked about the difficulties with this 10-day period which is allowed for in this act: that there is not time to develop appropriate response to a motion that might be brought forward by an aggrieved party.

He talked about the fact that having these kinds of oral presentations which are required in the act, rather than the full sort of litigious approach that is often taken, with stacks and stacks and pounds of paper by the lawyers of the province, is an approach that will not work, that will in fact cause a number of problems.

One of the problems the member pointed to, which I think in commonsense terms is one that we really have to think about, is that after you have an agreement and the courts have already made that settlement or the couple has come to its own agreement through mediation or on its own in the past, to bring in a confrontational methodology as the means of settlement is a dangerous kind of thing to do after the fact.

Especially if it is going to be done on the basis of oral evidence given, it has the potential for inflaming the situation. It has the potential for placing people—specifically, in this case, women who have been in a battered situation—in a very dangerous, subservient position going into the court situation; for raising great fears of retaliation that they may have felt will come because of their past experience with the spouse. It is just fraught with dangers as being the building block.

I think one of the main reasons for our taking this out to committee is to have a look at that fundamental premise and to have people come into the committee from the various perspectives that are out there and talk about that.

1550

Even though it seems to be a fundamental principle of the legislation, if the word we hear back from those people practising, whether it is from the people from the Canadian Bar Association, who seem to have some difficulties with that, whether it is other practising family law solicitors around the province or whether it is people who have been through the system and say that they really worry about that, I hope the Attorney General will hear them and be prepared to make appropriate amendments, if necessary, to that fundamental premise.

Another problem I have with the act, which I hope, again, the Attorney General will be open to amendment on, is that clause 2(2)(a), going into the “best interests of the child” definition, which is much taken from the Child and Family Services Act recently passed in this province and seen there to be guaranteeing that the best interests of the child must be taken into account during the motions, is in contradiction—and I think the member for Sault Ste. Marie (Mr. Morin-Strom) raised this issue—with subsection 35a(4), which lays down the terms in which a denial of access is wrongful unless it meets a number of things.

In that list of things, there is no mention of the child having a say. There is no mention of a child saying, “I did not want to go to see daddy, because.” As I think the member for Sault Ste. Marie was saying, perhaps it is an abusive situation that the child is afraid to go back to and is yet unable to speak about, as is often the case. That should surely be consistent with the preceding subsection, 24(2). That should be seen to be an addition that is required in that section. I hope the parliamentary assistant and the minister will look at that whole question of the role of the child.

In the Child and Family Services Act, we spelled out continually the role of the child, to have a role in decision-making, whether it was around adoption or other kinds of concerns, the definition of a child in need of protection. I think it would be important to think about it in the light of this act as well, and the government may look at that other act for guidance in terms of how it might be brought forward.

I have some considerable concerns around the mediation aspect. I have a general sympathy for



the use of mediation. Generally speaking, for a large number of the cases that are out there, I think it has a major role to play. What I find disappointing in this act is that there seems to be a move towards enforced mediation under subsection 35a(6), without any kind of controls on the mediation process that we have in Ontario at the moment.

As members know, it is a largely undisciplined area at this point. We do not have strict standards. We do not have strict definitions of who can be a mediator. We do not have a body of law developed as yet to deal with the role of a mediator.

What I see here is a move towards a system which, as the member for Sault Ste. Marie and others have said, is being challenged now in places like California as being a dangerous kind of model—enforced mediation—because of the way it can work as a bargaining chip by somebody who feels a lesser amount of power in the relationship, whether, again, it is because of violence or other kinds of economic constraints that might be felt by one party or another.

What we have done here is move to this fact that a court can order, under clause 35a(6)(c), that a mediator be appointed and the costs of mediation can be attributed to one or both of the people involved. But we do not know, as yet, what we want from mediation. We do not know what standards we will set.

I am somebody who has actually been through the mediation process and found it very useful in my own particular case. I had great concerns when I realized just how little there was in terms of legislative backdrop to the whole question of the role of mediation in these kinds of family disputes.

I would say to the parliamentary assistant and to the government on this that the flaw around this is a seeming holus-bolus move towards enforced mediation without any kinds of controls that might be very importantly put in at this stage, and that the abuses that are possible are very dangerous.

Again, when we are dealing with these balances, dealing with this sort of question, legislating here is like trying to have the wisdom of Solomon. This is an area where they may be opening themselves up to an abuse. I would hope again that in the open committee hearings we will be having we will focus a lot on the role of mediation and that perhaps there is some room for changing what is laid out here.

I want to just talk a little bit here again about the absence of respect for the grandparents within

this whole question of access. I think it is something which we have to finally come to grips with. I understand the difficulties that governments—not just this, but other governments—have had with the concept of what other members of the family have as rights in terms of this whole question of support or in terms of access.

I would just say to members, in the most emotional terms, to place themselves in the position of grandparents who had developed a bond—as we know grandparents do—with a child for five or six years, let's say, a very special cumulation of Christmases, birthdays, visits, events and baby-sitting hours, and because of the divorce or separation of the couple find themselves torn away from that child with no rights of access, no mechanisms for entry, especially again if they are the grandparents of the noncustodial parent's child.

I think, before we put in this kind of legislation, we must this time try to come to grips with finding a role there for their using this system. Clearly, in my view, the court is not necessarily the most appropriate mechanism. If we look at rulings that have been made in the past, we can clearly see that the courts have been afraid to deal very aggressively with affirmative action in terms of the roles of other members within the family around access. The whole business is so thorny just between the parents that the court just does not want to open up all the rest of it. At least that is my interpretation of how the family court judges have been ruling. Therefore, we need to look again at that premise of just going to the courts first rather than looking at another mechanism.

The final thing I would say is about the plea that I know was made by the member for Rainy River and by the member for Etobicoke-Lakeshore; that is, that we must look at ancillary services in conjunction with this kind of legislation or—my preference would be, and I know their preference would be—as a replacement for this kind of legislation. But let's say that the government is wedded to bringing in legislative mechanisms as well. Then I say to members that programs like the Access for Parents and Children program that has been operated out of the Lakeshore Area Multi-Service Project and the experiment that is being done in Kitchener have to be fostered at the same time as we bring in this legislation.

If parents who have had real trouble with each other through the split have finally come together and agreed on access and support payments or



have had them ordered on them by the courts and if they had a place to go—a neutral ground, where the question of access could be dealt with in a way that the mother, for instance, in a potentially abusive situation would know that there were people who were going to be supervising the role of the potentially abusive ex-spouse—they would go there instead of going to court, and the children would get access to the parents in a way that was useful, helpful and nonthreatening to them and the extra battles or the extra conflict that the court system is bound to bring out in the parents could be avoided.

1600

I just say again to the parliamentary assistant that if we are bound and determined to go this kind of route, then we must place in here someplace another avenue for parents to go that is not the court. We must provide the services in communities all over this province where they can go and feel secure that access provisions the court has already ordered or which have already been agreed to are followed to the letter without danger to the child.

In conclusion, I would again say to government members that this is a very important piece of legislation, touching people's lives in ways that most of our legislation never does. It is the kind of thing a government should not feel itself blindered on, that it has to stick to its guns and follow this all the way through when the area, in terms of experience internationally, is so fraught with dangers.

We can get examples from California, Europe or New York state and see how various legislative bodies have struggled with this issue. We can learn together, I hope through the hearing process, ways to right the balance without offending the parties, to open things up more to other members of the families. We might see legislation brought forward to our next sitting which would be greatly changed from this and much more responsive. If we do, we will be serving the people of this province very well.

**The Acting Chairman (Mr. M. C. Ray):** Are there any comments or questions? Are there any other participants in the debate? Would the parliamentary assistant to the Attorney General care to reply?

**Mr. Offer:** Mr. Speaker, just to be clear, this is not a reply but a wrapup to the debate.

**The Acting Chairman:** Yes, that is what I mean. I would remind members that the speech by the parliamentary assistant will conclude the debate on this motion.

**Mr. Offer:** First, I would like to thank all the members who have taken part in this debate and have given this Legislature the benefit of their thoughts on what is, without doubt, an extremely important issue and an issue of great emotion.

When I spoke on this bill on second reading, I indicated, and I will reiterate, that the amendments to this act as proposed by this bill are designed to assist both the custodial and the noncustodial parent to enforce access rights and obligations. I think it bears some repeating, as do the goals of this bill, which we must always keep in mind when discussing the legislation at hand, the goals being: to minimize the use of children as pawns in disputes between their parents; to provide a speedy and inexpensive means by which access difficulties can be determined by the court, including the guidelines for the determination of a wrongful denial of access; to emphasize that the best interests of children are met through ongoing opportunities to learn from both parents, as is each child's right; and, last, to provide the court with enforcement tools other than jail sentences and fines when enforcing access orders.

During the debate, a number of points have been raised. I would like, in the wrapup, to meet some of those points. Before doing so, I indicate at the outset that I believe the committee hearings which are going to take place after this debate are going to be of extreme importance and use in determining the final outcome of this legislation. I look forward to dealing with all of the members on the committee when going through that particular process.

I think we should realize at the outset that this bill is the culmination of a great deal of thought, a great deal of analysis, a great deal of investigation and it has been followed in its entirety in Newfoundland. It has basically been followed in Alberta and, for many of the sections, followed in Manitoba. As well, this bill is under very serious consideration in Australia.

This bill is one which is not only important, not only carries with it an emotion, but has also, through the Ministry of the Attorney General, been given a great deal of thought, time, effort, commitment and determination to make this the absolute best bill that it can be.

On second reading, the point was made that the process is bad enough, and that was, I think, a quote from the member for Rainy River. I think we have to keep in mind, when we talk about the process, that the court is the one that is considering all the evidence on the initial hearing. All this bill does, all these amendments

do, is to enforce and to provide an inexpensive and quick remedy to enforce an order already made.

It has also been indicated that this bill, Bill 124, and its predecessor, Bill 60, are very different. In fact, they are not. There are really only two significant differences, and that is that this bill before the House places a greater clarity and a greater pointing to the question of domestic violence than Bill 60 did, and as such, this bill, in that one aspect, is extremely important.

Also, it does not include the question of posting of security.

Concerns were raised that only oral evidence is to be used and that is a problem and that should and must be followed by affidavits, but it is important to remember that oral evidence avoids the affidavit, avoids adjournments, avoids cross-examinations, avoids the whole question of transcripts, all taking place while more access is being denied. The question of affidavit evidence, the adjournment and the cross-examination would fly in the face of an expeditious, inexpensive remedy available to those involved in an enforcement-of-access dispute.

One point that was brought forward which I must comment on is the whole question of the duty of separated parents to co-operate, and it was recited from the amendment. These are words or statements of desire to have parents co-operate when to do so would be in the child's best interest. It is not the so-called friendly parent rule, which could be used to punish parents who do not co-operate, but this statement is an underpinning, it is a foundation, it is an essential matter, an issue for the custodial parent's remedy because it creates the duty for the noncustodial parent to exercise access, to show up, to exercise the access which has been given to that person through a court hearing, and that is of extreme importance in building together the whole question of a child's development.

**1610**

Concerns have been raised on the basis of the question that more litigation will result, but we cannot, as a Legislature, let an entire category of orders made by our judges go unenforced simply because the courts might be used. In fact, it might be that courts might be used less because of these very provisions. We absolutely cannot let these enforcement orders, these access orders, go unenforced simply because the courts might be used.

I think about some of the concerns that have been raised in terms of recovery of expenses; that was an issue that was raised on the basis of it

being a potential hardship. I was taking a look at the legislation because there is now the ability of a person who has been denied access, or on the basis of a person who was giving access and the person did not show up, to recover reasonable expenses which have been actually incurred. That is extremely important for both parties.

Regarding some of the points which were brought forward in terms of the noncustodial parent having a single hour; maybe it should be 10 minutes, maybe it should be 15 minutes. I think we will probably be discussing that issue in committee, but we should realize that one hour is a fairly reasonable period of time. Surely, the child will be waiting, but it is a fairly reasonable period of time taking into consideration the realities of traffic and the like.

We must always remember that in dealing with matters of this nature, in dealing with issues of such emotional import, in dealing with matters such as this which are so important, it is under this legislation—and one that should not be forgotten—that the best interests of the child are of paramount importance and override everything else.

It is the best interests of the child that will be taken into consideration by the court on these and other matters and all other sections fall secondary to that determination. It is that determination which will make certain that in any question of access, of denial of access, of failing to exercise access, the child's best interests are always of paramount importance and are always the major item, the major factor taken into consideration by the court.

I think this bill is of extreme importance. It is of extreme importance because it does address, specifically, this government's concerns about domestic violence in families in Ontario. This bill, as I have indicated earlier, does specifically draw to the attention of the court on each and every application or motion concerning custody to or access of children, the question of domestic violence, and this in itself is of extreme importance.

In conclusion, I state once more that I look forward to discussing this bill in committee. I look forward to working with all members of that committee in terms of this legislation, but this is a bill that recognizes and supports the rights of children. I have enjoyed this debate and I close this debate.

Motion agreed to.

Bill ordered for standing committee on administration of justice.



## JURIES AMENDMENT ACT

Mr. Offer moved, on behalf of Hon. Mr. Scott, second reading of Bill 188, An Act to amend the Juries Act.

**Mr. Offer:** The purpose of this bill is to amend section 3 of the Juries Act in order to remedy a drafting oversight in the Equality Rights Statute Law Amendment Act, 1986.

The effect of the proposed legislation will be to extend ineligibility for jury service to the common-law spouses of judges, justices of the peace, lawyers, students-at-law and persons engaged in the enforcement of the law. At present, only persons who are married to these individuals are exempt from jury service.

It was the intent of subsection 21(1) of the Equality Rights Statute Law Amendment Act that the reference to "husband" or "wife" in section 3 of the Juries Act should be expanded to include persons of the opposite sex living in a conjugal relationship outside marriage. This section, however, could not be proclaimed because of a drafting error. This bill gives effect to that intent by amending the Juries Act directly.

**The Deputy Speaker:** Questions or comments?

**Mr. Hampton:** I have no comments.

**Mr. Cousens:** With regard to—

Interjection.

**Mr. Cousens:** Aren't you mean? Just very special people have that pleasure. The Speaker, of course, does not like to have any of those interruptions from other honourable members.

The Attorney General (Mr. Scott) is finally catching up on some of his homework. Through this bill, we are going to see an oversight corrected that will certainly allow for something that has been neglected in the past to be corrected now through the revisions to this bill, which will extend the ineligibility for jury service to the common-law spouses of judges, justices of the peace, lawyers, students-at-law and police officers. This is becoming such a possibility within our judicial system that this only makes sense. So we will be supportive of this bill.

**Mr. Offer:** I just want to thank all the members for their contribution to the debate.

Motion agreed to.

Bill ordered for third reading.

**Hon. Mr. Conway:** We are on a roll, Mr. Speaker. The member for Mississauga North (Mr. Offer) is leading us at a great pace. With that in mind, I call the second order.

## 1620

METROPOLITAN TORONTO POLICE  
FORCE COMPLAINTS AMENDMENT ACT

Mr. Offer moved, on behalf of Hon. Mr. Scott, second reading of Bill 4, An Act to amend the Metropolitan Toronto Police Force Complaints Act.

**Mr. Offer:** Since 1981, residents of Metropolitan Toronto have had the benefit of an impartial review of complaints they may make against the Metropolitan Toronto Police Force. At the same time, the police officers against whom unfounded complaints are made can be cleared in a process which is both open and visible to all members of the public. This legislation will make this system available to other municipalities which so desire it.

As members will know, the system in place in Metro Toronto is founded on the twin principles of oversight and openness. Investigations into civilian complaints of misconduct are, in most cases, conducted by a special bureau of the police force. This ensures that the specialized expertise and knowledge of officers of the force can be deployed in response to civilian complaints. Such investigation is open to active and continuing oversight by the office of the public complaints commissioner.

Under this system, the police are required to provide monthly investigation reports to the complainant, the officer and the office of the public complaints commissioner. These reports indicate the process which is being made on the case and permit errors or omissions to be corrected at an early stage. Additionally, at any time after the first 30-day report, the public complaints commissioner can launch his own independent investigation of the complaint. In special cases, the commissioner is empowered to conduct his own investigation from the outset.

This twin principles of oversight and openness in relation to the investigation process continue once the investigation is complete. At that time, the complainant, the officer and the commissioner are given copies of the final investigation report. The commissioner may request that further investigation be done before the matter is submitted to the chief of police for a decision.

Following a decision by the chief, the complainant may ask to have the matter reviewed by the commissioner. In the review process, the commissioner goes over the record of the investigation, obtains whatever other information he thinks necessary and decides whether to appoint an independent board to hear the

complaint. Where a board is appointed, the case is heard in public and according to the normal procedure in evidentiary rules applicable to administrative hearings.

Police officers have the benefit of a high burden of proof, the criminal standard of proof—beyond a reasonable doubt. The board has the full power to determine whether the complaint is justified and to impose discipline. Discipline can range up to and including dismissal of the officer from the force.

In the view of the government, the Toronto model has proven itself over the past seven years. It has injected a kind of openness and oversight which makes a major contribution to public confidence in policing. We feel this model commends itself to other parts of the province. The government could respond to this in two ways. First, it could establish the system on a province-wide basis or, second, it could permit municipalities to opt in.

Members of this House will know very well how different police-community relations are across the province. It is the government's view that this wide variety in local circumstances is best addressed by letting municipal councils decide whether they wish this Toronto model to apply to them. The system in Toronto originated from a request of six Metro mayors, and we feel that expansion of that system should take place on that type of basis.

Under the bill, a municipality which wishes to opt in to this Toronto model must pass a bylaw making that request. The matter will then be considered by cabinet, which will decide whether the opt-in is appropriate. For example, if a very small municipality adjacent to a larger municipality decides to opt in, it may be the view of the cabinet that the wishes of the larger municipality should be determined. If the large municipality were also interested in opting in, then it might be desirable to co-ordinate the timing of the two opt-ins in order to facilitate the administrative arrangements.

Once a municipality has opted in, the public complaints commissioner will establish an office in that municipality for the reception and supervision of the investigation of complaints. Officials of the commissioner's office will work with the local police force and exercise the same kinds of oversight functions as are exercised in Toronto. Review requests and policy issues will be dealt with by the commissioner, whose jurisdiction will extend to all parts of the province which have opted in.

It is the government's view that it is vital to have a consistent standard of decision-making across the province on policy issues and in terms of whether and when public boards of inquiry are appropriate. If a board of inquiry is appointed, it will include persons nominated by the local council, by the local police force and by the police association.

This legislation provides local sensitivity to the investigation and oversight process, province-wide standards for the appointments of boards, followed by local sensitivity and knowledge in the ultimate adjudication process.

Municipalities which wish to avail themselves of the benefits of this new system will be expected to contribute to its cost. In Toronto, the municipality of Metropolitan Toronto pays 50 per cent of the total costs of the system. Similar arrangements will be negotiated with opting-in municipalities in order to properly allocate the costs among the provincial government and the various municipalities which have opted in.

I look forward to hearing the views of members opposite on this very important legislation and hope they will join the government in giving this legislation speedy passage.

**Mr. Cousens:** I would ask the honourable parliamentary assistant whether there are any other plans the government has with regard to the Metropolitan Toronto Police Force Complaints Act. He has indicated strong and total support for the process as it is working now, and I just wanted to know whether the ministry has any other plans to make any modifications or changes to this bill, either in the planning stage or within the next year or two. I am generally satisfied that the legislation has been working within Metropolitan Toronto, but just did not know whether the government had any other twists or changes which are going to be brought out on that.

The other concern I have is that consideration was given earlier to the fact that municipalities could opt in to the process. Has there also been some consideration given to opting out? It was an amendment our party was considering and had discussed with the Attorney General. I wonder if the government has given further consideration to that as well.

**Mr. Offer:** Very briefly, in response to the member for Markham: At this time, I am unaware of any changes to the Metro Toronto setup as it is now. That system has now been in existence for, I believe, seven years. It has proven in very substantive ways to be a success in a number of areas and it is the intent of this legislation to carry on with that success of the



past seven years and to permit other municipalities to opt into a system that has been in large measure a very, very successful project or commission.

1630

**The Deputy Speaker:** Do other members wish to participate in the debate?

**Mr. B. Rae:** First of all, I might say that I am somewhat surprised the bill was not introduced in the House by the Attorney General himself.

I think this is a bill that is of very real importance in light of the events in the last number of weeks and months in this province. It is a question that should be one of fundamental government policy. This question of the civilian review of our police forces is a question that has been, if not at the centre of debate in this Legislature, certainly an active subject within this Legislature for more than a decade.

Indeed, if you look back at the history of legislation proposed and discussed by royal commissions, special inquiries and task forces dealing not only with policing matters across the province but also policing matters in particular provinces, it is an issue that has achieved a great deal of attention for nearly 20 years in this province.

Yet what is surprising to me is that despite the growing consensus in our society as to the importance of the principle of civilian review of the police, the importance of our taking some very definite steps to see that the principle that if a citizen has a complaint about the conduct of police, he has the right to have that complaint heard and considered by people who are not directly involved with the police, governments have been extraordinarily tentative in their response to this growing public consensus.

Relations between police and the public are obviously at the very foundation of a democratic society and indeed at the foundation of any society. It was my good friend and former colleague, the late Jim Renwick, who on many occasions in this House would expound with great feeling and great learning on this subject, and I want to borrow a couple of expressions of ideas that Mr. Renwick put forward because I think they are so fundamental to this discussion.

The first is that the hallmark of the distinction between a democratic society and a nondemocratic society, to a considerable extent, is our relationship as citizens with the police.

When we go to a society that is a police state or an undemocratic society, we can feel it and taste it because we know that the police are the direct extension of the state and that citizens in that state

have no control over those people who are imposing their will and the will of the state on them without any recourse by citizens.

Of course, we have the second and very special problem in any society—it is not a new question because it was perhaps first posed in Latin—of who will guard the guardians. Who will, in a democratic society, have some control over those to whom we have given such extraordinary power, such extraordinary responsibility and such an extraordinary role in our society and in our community? We come back to this question, who will guard the guardians?

We have, over the years, created a structure in this society that is intended to do that. Looking at it as a citizen, I suppose you would see that it is composed of some parts.

First of all, we have confidence in the criminal law and in the people who enforce that law because the criminal law makes sense to us. Our consent to it is voluntary because it is entirely logical. We accept the fact that the police are doing their job because there is a logic to what they do because we accept the logic of the criminal law. That is a first foundation.

Logically, thinking about it for a moment, the basis of our consensus and our support for the police depends on our support for what the police are in fact being asked by all of us to do. We support them and we make sense of it for the most part. There will always be laws that are scoffed at and there will be always be laws that are vigorously opposed and are very hard to enforce. When that happens, policing becomes very difficult, and when that happens, the relationship between the public and the police becomes that much more difficult.

The second protection we have as citizens, I suppose, is the common law itself, the laws and statutes we pass, our access to the charter, the Constitution of the country, our access to courts and our access to lawyers to take complaints, but this was seen as insufficient.

Of course, the third response to a problem a citizen might have with respect to policing and conduct of the police would be not only to take a tort action or a private action or launch a criminal action, all of which are very difficult to prove and prove very expensive and very prohibitive, but also for the police to set up, as they have across the province, indeed across North America and in fact across the world, complaints bureaus, places where people can go and complain about the police.

The police have internal ombudsmen and they have some internal processes everybody has to



go through. Those were deemed to be inadequate by Mr. Maloney when he looked at this situation in his comprehensive report on behalf of the Metropolitan Toronto Board of Commissioners of Police, which he submitted in 1975.

In 1975? It took this Legislature some time to even agree to a tentative pilot project for Metropolitan Toronto to go beyond this notion of the police themselves handling all their complaints. Look at the legislative debates in the 1970 to 1975 to 1976 period and between 1976 and 1980 and 1981. Finally, a pilot project was established for Metropolitan Toronto and then we had nothing for the rest of the province.

We have had some history of the work of the complaints commission with respect to Metro Toronto, a confirmation of the permanency of the role of the complaints commissioner prior to the defeat of the Tory government, and then, early on in the life of this new administration—perhaps I should characterize it in two phases. In the first phase of the post-Conservative era—the best period, I might say—the Attorney General brought forward a bill, but it was never discussed and we never extended anything beyond Metropolitan Toronto.

It is quite interesting to go back. I see the Minister of Community and Social Services (Mr. Sweeney) is here. I am delighted he is here because I have just finished reading a speech he made almost 10 years ago on the subject of the original bill that was brought forward by Roy McMurtry.

What is quite fascinating is that members of the cabinet—the member for Kitchener-Wilmot (Mr. Sweeney), the member for Brant-Haldimand-Norfolk, as it then was, who is now the Deputy Premier (Mr. R. F. Nixon), and the member for Huron-Bruce, as it then was, who is now the Chairman of Management Board (Mr. Elston)—were all particularly critical of the Tories' initial approach. I suggest to the Attorney General (Mr. Scott) that if he ever feels lonely in cabinet, he should have a look at what his colleagues were saying back then, because he may have more allies than he thinks in this regard.

I say to him, in all seriousness, to look back at what the consensus in the Liberal Party was 10 years ago. The Liberal Party was far more determined to extend the principle of civilian review across the board and across the province; that is the first principle. The second principle is that it should, for the most part, by and large, replace the internal complaints process within a police department.

What was objectionable to the Deputy Premier at that time was that there was too much power being given to the police and not sufficient power being given to the civilians with respect to this complaints process. He gave a very interesting speech in which he emphasized, as only he can, in a way that really reflects the marvellous sense we have of the Deputy Premier, "I come from a part of the world where everybody supports the police, even the people being arrested." I can almost hear him saying that as he says it, and I think he is right.

**1640**

Most of us come from communities like that. Even in Metropolitan Toronto there is very substantial confidence in the police, by and large and for the most part. Even those who are critical of the police are critical of the police not because they believe we live in a police state, but because they think it could be better and because they want to have more confidence in their police force than they feel they are able to have right now.

The Deputy Premier went on to say—this is some time ago, in 1980; he is speaking of the original bill which this bill now is intended to extend—"I feel the bill, for me as an individual—and believe it or not, as a philosophical Liberal—does not go far enough to make it clear"—

**Mr. Breagh:** Using two words inappropriately.

**Mr. B. Rae:** That is right. That is what he said, "a philosophical Liberal"—I am trying to think of what that means—"does not go far enough to make it clear"—I think a philosophical Liberal is one who has lost as many elections as the Deputy Premier had up until that time—"that the complaints are going to be heard by civilians, they are going to be investigated under civilian control, and they're going to be judged by civilians." That is what he said back in 1980.

What did his colleague the member for Kitchener-Wilmot say? The whole thrust of his speech was, what is so special about Toronto? This is a question many people ask. In fact, more people probably are asking it today than were asking it before. He says, "Why should Toronto be the only place in this province where you can take a complaint against a police force if you have got it?"

I think we are finally dealing with a bill, in principle, on second reading, that I hope most people in this House would feel we should have been dealing with a long time ago. The first thing I want to say, by means of comment on this bill,



is simply this: I know, from having talked with a number of police officers, members and officials of the police union, and from obviously having discussed with policemen over time in the last number of years, the sense of vulnerability that exists on their part to any system which allows citizens to complain about their behaviour when they have a very difficult job to do. They put their lives at risk.

We have just come through a very difficult situation, which I am not going to comment on in any detail because it is now before the courts. I am sure that in the comments that are made by me and were made by me and made by others in the course of it, there are many policemen who would watch those comments and say: "Doesn't he understand what we are up against every day? Don't they understand our lives are on the line and his is not?" I think those are fair comments, fair criticisms and fair feelings to have.

The reality, however, is that the process of our insisting on civilian review is absolutely fundamental to a democratic society. It is particularly fundamental to the kind of society we have become, not only a democratic society but also a multicultural one and a multiracial one, and one in which, I must say, many of our institutions have not been sufficiently quick and sufficiently sensitive to respond to the changing nature of our society.

I was surprised—and not only surprised, I was shocked—to learn, as I have this week, that in the Ontario Provincial Police, which has over 4,400 officers, 10 of them are members of a visible minority community; 10 out of 4,400. There are 26 special constables who are native people and there are over 200 women who are constables.

When your police force bears no resemblance to the makeup of your society, you have a real problem. I am not suggesting it is easy to solve, because no institution—I might add, no trade union, no political party—can point to itself and say, "Look how much better we are doing than anybody else is." We cannot say that either.

As a society, we have to wrestle with this reality: We are a democratic society sharing many values in common with other countries. In particular, we are a multicultural, multiracial society in which the principle has to be in place that whatever we can do through the law to maintain the confidence that the public at large, the general public has and individual citizens have in the administration of justice is what must be done.

If that means citizens will lodge complaints against officers that officers themselves feel are

unfounded, unfair and unjustified, then I can only say that is the cost of living in a democracy. It is a price we all must pay and must be prepared to pay in terms of how we administer justice.

My major criticism of this bill—it is not intended to be anything other than constructive at this stage of the game because we are hoping the government will accept amendments—is that the bill is still much too tentative.

However, I would say this bill is preferable to another approach I have heard suggested, which is that the Ontario Police Commission would be given its responsibility for this area and that it would essentially be taken over by police commissions generally and would not be administered by a civilian review board.

I would say to those who are keen on that option as an alternative that it makes no sense to me at all. If you accept the notion of civilian review, you have to understand that the police commissions themselves are not, in a genuine sense, seen by the public as being a totally independent place where they can go to have their complaints heard.

I want to say to the government that the approach it has taken in being so tentative is this: First of all—I am glad Mr. Lewis is here because of his experience and because I know he will have much to offer all of us at the committee stage when we discuss this question, that he will be a very important witness in front of the committee—I think the government may have missed an opportunity to look at the act itself and to see where the current problems are in Toronto and how we can improve the act as we extend it to other parts of the province.

The second thing I would say is that I think the notion that you can opt into justice is absurd. I am supported in this by the Canadian Bar Association's brief to the government, which will no doubt also be the subject of our committee discussions. They make the case that under section 15 there would be a very effective section 15 challenge under the Charter of Rights if citizens in one part of the province had access to a review process and citizens in other parts of the province did not. There is a very real problem.

I might say in light of the Morgentaler decision that I think there is a problem. I think you look at the impact and the meaning of the Morgentaler decision by the Supreme Court of Canada in the sense of what it said about the need for the administration of a law to be seen as being fair and effective across the country. We have a problem with the unfairness of it with regard to



the fact that some places will opt in and some will opt out.

I am also a political realist. There are those who might be surprised at hearing me give this description of myself. There are those who regard me as a political fantasist of some sort, but I am not.

**Mrs. Grier:** That is better than being a philosophical Liberal.

**Mr. B. Rae:** I am not even a philosopher. I would say this: There is going to be enormous resistance in some parts of the province from local police forces to the notion of opting in, and enormous pressure on local councils not to let that happen.

Frankly, I am not prepared to let the question of opting in be determined by the ability of that kind of pressure on local councils to have an effect. I think that if we as a Legislature feel the time has come for civilian review, then the time has come for civilian review across the province.

We have lived with it in Metropolitan Toronto. It has been difficult; it has not been easy and it is not easy right now. There are very substantial differences of opinion between the police union, for example, and the police commission and others about how the process should be, and is, working. Those questions are very real, but we do not resolve those differences by saying that extending the right to opt in is going to be adequate.

1650

Let me put it to members in very real terms. Does anybody really think that the right of the Lawson family to lodge a private complaint against the police should depend on whether or not Mississauga council, the council for Peel or the regional area or whatever it may be, has determined that it is going to opt in or opt out? I cannot justify that kind of position. I do not think many of us can justify that kind of position and I know that there have been many arguments at the local level, the provincial level and within cabinet about this bill. I know that it is a bill of considerable controversy. I know there is very substantial concern about its life, but I say to members that improving and extending this bill is essential.

The final point I might make on this question of extension is with regard to the Ontario Provincial Police. Where do we go if we have a complaint about the OPP? Why is the OPP not specifically included in this review structure? The Solicitor General (Mrs. Smith) has some idea that this can happen through the public complaints commissioner. But I say to her that if

a public complaints commission structure is not good enough for any other group of citizens who are policed by a local police force—and that is what the government has determined—how could it possibly be good enough for the people whose normal policing is carried out by the OPP or for people who are stopped by a police officer on a highway and feel they have been badly dealt with by the police officer and want somewhere to take their complaint?

In summary—and I want to give other people a chance to participate in this debate as much as I can—I do want to register my concerns and the priority that I place as leader on the importance of our establishing some clear rules and guidelines for policing in this province. I think the Solicitor General has a real responsibility to come up with some better guidelines on the use of force; she has some clear responsibilities to come up with some guidelines on the use of police chases and their abuse.

This issue goes back decades in this House and in this province. The government has to come up with a better plan with respect to civilian review, a plan that includes everybody in the province, that says that a citizen who is abused by the police in Sudbury has just as much right to have a complaint heard as a citizen who is abused on the corner of Bloor and Yonge streets.

The time is past for pilot projects and dangling our feet in the water to see if it is too hot or too cold. We have taken this approach for 10 years in this House, and we have an obligation to make it clear that those days are over and that we are going to be very careful about how it is done and listen to everybody about how it is done. But the principle of a province-wide, comprehensive approach to the notion of the priority and the primacy of civilian review has to be in place. That will be our approach in the hearings, which will no doubt be important ones as they are held and that will certainly be our approach as we get this bill passed. That is the last thing I want to say.

There was enormous reluctance on the part of this government to move on this legislation. It has been on the order paper for a long, long time—not just months, but years. But I do not simply say in a facilely partisan way, “That’s their fault.” I say there must be something endemic in the legislation and in this subject which causes all governments—or at least the only governments we have known in this province so far—to be so tentative and to be so concerned about not moving ahead.



Roy McMurtry was just as slow and just as reluctant to move ahead and to take some decisive steps as was his successor—and I use that word in every sense—the current Attorney General. In fact, there is a remarkable similarity between the approaches taken by the two Attorneys General, and I think that in itself is a sign of the times. It is also a sign that those of us in opposition have an obligation to make it very clear that we want to move ahead, we want to see a better bill and we want to see the principle of civilian review clearly established once and for all in the province. Thank you very much.

**The Deputy Speaker:** Thank you. Questions and comments?

**Hon. Mr. Scott:** By way of comment, let me begin by saying that though I guess I am a philosophic Liberal, I agree with almost everything the Leader of the Opposition (Mr. B. Rae) has said. In the most nonpartisan way, and I think he has tried to be nonpartisan in the debate on this issue, I simply say two things.

This is not the ultimate bill. With that, I entirely agree. But it is a bill which I believe is urgently required to be passed in Ontario now, this month. I implore all honourable members, though they may regard it as incremental and in that sense hopelessly unsatisfactory as a matter of principle, to participate with us, if they can, in passing it now, because this kind of development is needed right now, this very month, in Ontario.

Having said that, I give my commitment to the honourable member in whatever forum can be arranged to canvass the third stage of this process about which he and I, I think, clearly agree. I simply draw to his attention what Sidney Linden, who founded the Metro police complaints commission, had to say when he was confronted by this incremental approach. He said he thought it was not only appropriate but wise to do this exercise in three stages, and we are now at the second.

I very much hope the Leader of the Opposition will join with us, if he can, in saying that while the bill is not, from his perspective, perfect—it is not, from my perspective, perfect—it is the best that can be done now and it is required in the interest of the public to be done now; if possible, this very month.

**The Deputy Speaker:** Does the Leader of the Opposition wish to respond?

**Mr. B. Rae:** I do want to respond by saying to the Attorney General that I am a very democratic fellow. I think it is important for us to talk further about what exactly the government is saying. If the government is saying this bill should pass

with no amendments and there should be no opportunity to amend it—I do not think that is what the Attorney General is saying—then obviously, I cannot accede to that.

But if he saying that the government is willing to discuss with us and with our critics the kinds of amendments which I have discussed, which I do not think are terribly difficult to understand, then obviously I think there is room for passage of this bill, provided, of course—and I have not discussed this with my colleagues at all—that there is a very specific commitment, with a timetable, to a broader process of review of the Police Act and some other questions which we have.

These are things that can be readily discussed. I appreciate, as I am sure he will realize because of the involvement I have had with a number of cases, very much the need for us to move ahead, but I think we have to have some further discussion as to what conditions are associated with our moving ahead.

**Mr. Cousens:** As we look at this important bill, I appreciate the fact that the Attorney General has appeared in the House and is showing personal interest in the debate. There have been a number of important bills which have been under consideration and I think it is important that the Attorney General show his presence in the House. I know he is a very busy man but this one is an example of a process that is still in action and is far from reaching its state of completion.

I am pleased the Attorney General recognizes that and indicates that there is going to be openness to modifying it, amending it and moving forward as we reach a state where everybody is satisfied that there is a balance between what the public perceives to be happening and what the government is trying to do with its police forces.

This has been an interesting seven years since the Metropolitan Toronto police complaints system has been in effect. In fact, it has helped relieve a great deal of the tension that existed for some time, especially during the 1970s when people were looking for a system that could address their grievances with police forces.

I think the kind of thing I would like to see, again, is that balance which exists between the police force, whose responsibility is very real and very important, yet with that opportunity for the public at large to know that when they have a concern or a grievance of any kind there is a procedure available to them. They can take it forward, have it heard, have it understood, and



then if there is a grievance, there is a follow-through on it.

**1700**

I would like to say that certainly in my own experience in York region, having seen how the old system has worked, it has worked extremely well. What has happened is that when people have a complaint, they have been able to take it to the police force. The police force would have it reviewed through the chief of police or the police commission. Then there would be a discussion, dialogue and resolution of those concerns that had been raised by the public at large. It is a very important process.

I have sensed, certainly in my own region, that level of compassion, concern and empathy that tells me that the people within the system are trying their best to address those concerns.

That is where a complaints procedure will be very useful in the future for those who have to go outside the existing system as we have known it. Certainly, we never want to cut off that opportunity where people can deal directly with the chief of police and have an explanation as to what has gone on. It will not always be necessary to escalate their concerns and grievances to another level.

I think it is so important that our police forces, our government and our system have that open-door policy. There are words that we have heard from this government. It starts off with good intentions. I think we have to constantly remind ourselves that the public at large has to be served and we in government have that responsibility to it, and certainly the police forces do in the way they fulfil their functions.

Therefore, when they come forward with Bill 4, I see real problems in it. It is unfortunate that there has not been some of the craftsmanship that goes into the creation of a bill. Instead of looking at the Police Act, we are seeing just another amendment to the Metropolitan Toronto Police Force Complaints Act of 1984. I guess it is easier to do it this way. I am going to accept that, because the intention of the government is obviously one of "Let's get on with it." So I am going to give the benefit of the doubt there.

What is paramount is that we as parliamentarians address the concerns of the public at large throughout the province. Having seen how the system has worked in Metropolitan Toronto, we are now giving that opportunity to areas outside Metropolitan Toronto to have a way of addressing those concerns that we are talking about.

I am most anxious that we do everything possible everywhere throughout the province to

avoid any kind of police-community confrontations. I just have to believe it is incumbent upon all of us to instil in everyone that sense of trust, but also, when that trust has been somehow jeopardized through whatever action has taken place, to instil a sense of satisfaction that their concerns are going to be heard. What we are going to have here is that independent investigation by someone who is in a position to hear their complaints and to follow through on them.

I think this bill will inject a substantial degree of civilian involvement into the complaints process throughout the province. I do not think there is any doubt that if someone has a complaint, he has to have a way in which he can deal with it. This will make that option available to those communities that invoke it.

I guess things do not happen as fast as we would like them to happen. I heard the Attorney General say that he wants to see this passed as quickly as possible. Then what happens is that if the New Democratic Party or our party or anyone else starts raising questions, he is going to say that at long last, when he has brought this legislation in, we are slowing it up, delaying it and so on.

I hope, indeed, that we will have an opportunity for amendments. Our party certainly has a number of amendments we are going to want to bring forward on this bill, because we see it as needing certain changes to be made to it. Also, I would hope there would be an intention that, as it is refined in the future, we will have that opportunity to come back again.

I just have some worries about comments that were made by the parliamentary assistant to the Attorney General, the member for Mississauga North (Mr. Offer), because when I asked him specifically about the satisfaction level that the government has with the act as it pertains now to Metropolitan Toronto and whether or not there were going to be any changes to the bill, he indicated that to his knowledge there is no plan to do anything of that kind right now. Yet, if I am not mistaken, within the last two years there has been a certain amount of criticism by the Metropolitan Toronto Police about just some of the problems with the complaints procedure. That having been the case, are we satisfied that there is not some way of satisfying the concerns that come from the police force itself?

I guess it is the balance that we have to have. On the one side, we want to make sure that the public is protected and that people have a process by which they can state their concerns and they can be properly and duly heard, but on the other



side, within the force itself, there has to be a recognition that there has to be someone there who understands their needs and their concerns.

I was surprised that the parliamentary assistant is totally satisfied with the bill as it is now. I would have thought that there may have been something in the works to change the bill. Maybe there is something where, when this does go out to committee or when there is further discussion, there will be a chance to find out if that is the case.

We are dealing with a very important bill. I think the whole idea of our expanding the service that has been available within Metro to the rest of the province, and for the public to have a chance to express its complaints and to have them heard and dealt with properly, is indeed a progressive step. I would hope that the people in this province understand that even if in the meantime there is a system that has been working very well, in fact, there are many communities that may well not want to opt into this.

I am glad it is not something that is going to be compulsory all over the province, yet I can see that there may be certain areas which will be very quick to take advantage of having the opportunity of opting in. Those same communities, once it has been in operation, might decide for whatever reason that they may want to opt out of this process.

All of what we are doing costs money. I would hope that the province has some way of helping to compensate the local municipalities for what they are doing and that there is a level of compensation that is coming through in the statements that have been made by the parliamentary assistant. I just have to say that every time I turn around, anything that we do in this Legislature costs money. It is something that has to worry all of us. Yet we are dealing with such an important area that I can recognize we have to be prepared to put our money where our mouth is. Therefore, it is so important that the province not just expect municipalities to carry the full cost.

Indeed, I know it is progress as we are dealing with it today. I hope that as it does become law in the not-too-distant future, with amendments that are going to be made to it, the people in Ontario will have an increased and renewed sense of trust and sense of knowing that we at Queen's Park and the Legislature are not only concerned about what is happening within our police forces, but we are also concerned that they who are the people we are elected to serve are being dealt with in a fair and equitable way at all times by

their own police who are there to serve them, as well.

I see this as one of those fundamental things that we are dealing with. It is not something that we can at all take lightly. I would hope that there is going to be more discussion on this than just a few short minutes this afternoon. Our party is generally in support of the intent of the bill. It was our party, when we were in power, that brought it forward in the first place. I think it is something that was overdue then. What we are bringing forward today is overdue again as it becomes something that is available to the rest of the province.

**1710**

May we continue to work to strengthen that relationship that exists between the public and its police; and may the police have a mechanism through this independent complaints system that will allow people who have their trust questioned to have that resolved and addressed in a fair and equitable way.

I look forward to hearing what other members in this House have to say and I certainly look forward to seeing us all working together to maintain a high level of confidence in the police force. I know that we have something to be proud of in this province, and so many people are very quick to draw conclusions about the police without having considered how much they do to keep the peace and to protect all of the people of our communities.

I know, as we have seen some of the tragedies that have taken place in recent days—it just seems to happen all the time—we are very fortunate in Ontario that we have the commitment of so many dedicated men and women who are part of the police system, both in local municipalities and in our Ontario Provincial Police, and certainly in the federal forces.

We therefore have to make sure that we are continuing to build upon what we have had in the past, that we respect the heritage that comes out of those who serve the needs of all the community and that, as we move into the future, we do nothing to undermine that sense of importance they have had in the past and that role they will have in the future.

**Mr. Philip:** I had an opportunity to study the basic issues at considerable length in 1981 when, as chairman of the standing committee on administration of justice, I had the pleasure of conducting the hearings for the original bill and indeed spent a great deal of time meeting with various groups as well as listening closely to their presentations before the committee.



I also had an opportunity at that time to study the literature considerably, and indeed entered into some considerable debate with the then Attorney General, Roy McMurtry. I think part of the issue that perhaps some members may not be prepared to look at or deal with is that, if we look at a lot of the arguments Mr. McMurtry was able to present in defence of the original bill, the Metropolitan Toronto Police Force Complaints Act, they dealt with the problem of the American cities and the way in which that society had generated into a very polarized type of society with the police on one side and the advocacy groups and the minority groups on the other side.

At that time, both we and the Liberal members in this House argued that this was a different society, that we were a society that had less polarization in the sense of that kind of polarization, although the polarization economically might be broader; that in Metropolitan Toronto at least, but also in the province as a whole, we could move farther than some of the American cities had moved; and indeed that a more independent kind of system, particularly independent investigation, would be more acceptable than it would be in even a city like Philadelphia, for example.

We were fortunate in some ways, I guess, that at the time this bill was originally introduced in 1981, the government was wise enough to appoint as the first commissioner Sidney Linden, who is generally respected, and when I say generally, I mean respected by all people, regardless of political persuasion or ideology or views on the particular mechanism of this bill.

We also had the event that the Solicitor General and the Attorney General happened to be one and the same person over a period of years. Therefore, the kind of opposition one might expect from the Solicitor General in defence of "the Solicitor General's people" or in defence of the police was less evident because the Attorney General and the Solicitor General were the same person for a period of time.

I think that lessened some of the problems that might have happened, and that was probably a positive thing. There were a lot of negative things with having the one person as both Solicitor General and Attorney General, but I do not want to review that.

Some of you, no doubt, have probably read the speeches of my former colleague, Patrick Lawlor, member for Lakeshore, who gave some considerably learned accounts on those matters.

It seems to me that what we are doing in this bill is that we are developing the same kind of

problem that the Liberal members of the standing committee on administration of justice at that time argued against and that members of the New Democratic Party were concerned about, that is, two kinds of justice.

At that time, we argued that while Metropolitan Toronto might have been unique in the sense that we had large numbers of visible minority groups that had immigrated more recently into the city and had centred in Metropolitan Toronto, many of the kinds of problems that existed also existed elsewhere and that, therefore, to restrict it to Metropolitan Toronto just did not make very much sense at all.

We now see this legislation, instead of developing a kind of uniform justice across the province, perpetuating the same kind of dual justice system. I think that one would not have to be a sociologist to hypothesize that in those municipalities where local authorities were perhaps less sensitive to the problems of complaints about the police, we would have less of a chance of those municipal councillors, municipal people, opting in to a complaints system.

It stands to reason that the people who are the most sensitive to a certain set of needs would probably be the most anxious to develop the system and that those who were least sensitive would probably be the most defensive. What I am saying is that with this legislation, the government is taking a route which may be exactly contrary to what the previous speaker said: It may actually create more polarization, because the areas where there are the most problems are the areas probably where the local authorities will be least likely to want to opt in.

Let me take it one step further. Let me suggest an argument which I think has been made in numerous ombudsmen's circles—and the chief of police complaints I think is an ombudsman—and that is, it strikes me that where you have ombudsmen, where you have an independent investigative role, you tend to have less need for advocacy groups or advocacy positions. The Lord only knows, I am a person who has advocated the sponsoring of advocates in various forms where they are needed.

What I am trying to say is that where you have an independent investigative ombudsman, you have actually less polarization and less need for an advocacy kind of system because the advocacy system is there to argue on behalf of the complainant, no matter what happens, whereas the ombudsman system is there to have an independent investigation and to dispense justice in an economical way.



If we go back to some of the early studies on these matters—I will not quote the American studies—if we look at the report of the Morand Royal Commission into Metropolitan Toronto Police Practices, page 184, if anyone wants to look it up, the report states:

“A system must be developed for prompt, impartial, vigorous and independent investigation of such complaints, incorporating appropriate safeguards for the rights of the police officers. Such a system must be highly visible and manned by personnel who command the respect of the force and the public.”

1720

It further states, “The design of such a system is beyond the scope of this report,” but goes on to recommend that “a citizen complaint procedure must have as its central aspect an independent investigation.” If the members want the precise page in the Morand report, it happens to be page 188, for their reference. Justice Morand, in his study, says you have to set up an independent system and it also has to have an independent investigation. You cannot be a judge without also having an independent investigation.

The Maloney commission came to the conclusion that it was important that the investigators be well qualified and well trained, that they be expert in the investigative method. No one is suggesting anything to the contrary. No one is suggesting that by having an independent investigative system, somehow you are going to go out and hire a bunch of social workers or, as some of my more conservative colleagues might label them, do-gooders who are going to bleed all over the place on behalf of the complainant. No one is suggesting that.

No one is suggesting that an independent investigator should not be trained. As I suggested so many times during the last debate on this in 1981, retired police officers or police investigators or people who had immigrated from other countries perhaps and who had been trained in the investigative process in those countries indeed might make ideal investigators.

I think what we see in all the various reports over the years, if we look at them, is a historical attempt to develop a system which will be accepted by both the police and the various groups which are most concerned about it. I do not question that the Attorney General and his parliamentary assistant are interested in that.

But what I found interesting as chairman of the standing committee on administration of justice in 1981 was that if you looked at all of the groups which came before the committee at that

time—indeed, we went further than that, as our very excellent clerk of the committee, who is now sitting at the table in front of you, Mr. Speaker, will testify. We even solicited and wrote to groups and said, “Do you have an opinion on this bill?”

Not one group from any visible minority group was in favour of the bill at that time with the kind of investigative process. They all argued that in their communities only an independent investigator directly responsible to the chief Ombudsman would have the confidence of those groups. If we look at statements by members of the Liberal Party at that time—I do not want to be provocative by reading them into the record, although I do have them in front of me—they essentially believed in that kind of thing. That is why they supported an amendment I moved at that time which I think expresses the essence of what the Jamaican Canadian Association and so many other groups were asking for.

The amendment read: “The public complaints board shall establish and maintain for the purposes of this act an investigative branch to be known as the public complaints board complaints investigation bureau. The public complaints board shall ensure that the bureau is supplied with sufficient staff to efficiently receive, record and investigate the complaints.” That is where the struggle over the original bill lay with Mr. McMurtry, who said, as the Attorney General, “We’re not quite ready for that yet.”

One of the interesting things is that if you read through all of the Hansards—and if you read it, it will make a beautiful historical master’s thesis or maybe even a PhD thesis for someone eventually, 30 or 40 years down the road, to trace the development of this legislation—I think the essence of what Mr. McMurtry was saying is:

“Fine. We admit that we may not be Philadelphia. We admit that we may not be the United States”—as it was then, and I think it may have cooled down somewhat since then as a result of the growth of the various human rights movements and so forth, but as it then existed. “None the less, we still cannot at this time go so far as a completely independent investigation. Take this at this point in time, this is all we are prepared to do, but somewhere down the line we will grow into something that is better. We will grow into something that is more acceptable, so vote for this. Don’t hold it up.”

Indeed, he did not go so far as the Attorney General just earlier did, to indicate, and I hope he was not indicating this: “Don’t amend it. Take what you got and somewhere down the line we



will get something better. We'll get something that is more saleable to both sides." That was the argument the Liberal Party bought at that time. That was why the Liberals supported our amendments. We had similar amendments at that time that called for independent investigation.

I simply point that out by saying that one would have thought that the government would have been more consistent in government with what it was in opposition. If the arguments in that society in 1981, when I think historians will probably conclude that society may have been more polarized at that time between the police and minority groups than it is now—I do not know for sure. I think if it is taken in a broader sense, leaving out perhaps the last few weeks and some of the unfortunate events that have happened recently, it was probably more polarized at that time.

The Liberals at that time said, "Let's go farther," and now we have legislation where they say, "Well, take this, because we're not quite ready for even this." One has to ask: If they were ready for it in 1981, in a society that was even more divided perhaps than it is now, why are they not ready for it now in a less divided society? I hope my conclusion that we are less divided is a correct one. Some historians will have to decide, I guess, in 20 or 30 years whether I am right or not.

At the time when I voted against this bill, I outlined the position of our party. I said: "Mr. Chairman, it is with some regret that our party feels it cannot support the bill. We have stated over and over again that we consider section 5 and the amendment we posed—it was also posed by the Liberal Party—was the guts of the controversy surrounding this issue."

There was no question at that time. The Liberal members and the New Democrats felt that was the essential issue of the bill, and now we are told by the successors to those Liberals—and there are still some of those Liberals in the House, but not as many as were active in that debate.

1730

Some of the leading proponents, with perhaps the exception of the now Treasurer (Mr. R. F. Nixon) have gone on to other positions, larger salaries, whatever, but that was their position then and that is why they said that was the guts of the bill. I say that is still the guts of our problem with this bill. I think it is the problem fair-minded people still have to see.

I think you cannot have two types of justice; otherwise, you are creating an injustice by

omission. I think justice has to be respected and viewed as independent. It is not good enough that it is independent; it also has to be understood and believed to be independent by those who feel an injustice is being done to them. If we do not do that, I suggest we create disrespect for the law, and in this case disrespect for the police, and I do not think we accomplish all we are capable of achieving, in this year, at this point in our history. That is why I am somewhat disappointed with what I consider to be a backtrack by the Liberal Party in this province on this issue.

**Mrs. Marland:** In rising this afternoon to speak to Bill 4, An Act to amend the Metropolitan Toronto Police Force Complaints Act, 1984, I want to say at the outset that I respect the fact that every one of us in this Legislature would concur that this whole area is one which is very sensitive. It is also one that in everyone's best interests we must all address very carefully. I say that on both sides of the extremities of the subject of complaints against police forces.

In the kind of society in which we live today, we obviously have a far different community from that of our parents, grandparents and great-grandparents. In fact, I think if we only go back two generations we probably would find that a lot of the law enforcement was done by people who those within the communities knew very well on a personal basis.

We had smaller communities. We had the opportunity for the law enforcers within those communities to walk the streets, to get to know who the ambitious, aggressive, rebel-inclined individuals were in a community. They also got to know who it was they would never have to worry about. The people responsible for keeping law and order in our communities developed what was generally always perceived as being a positive image. It was an image most people looked up to with a great deal of respect.

Now that we have grown into a less law-abiding society and we have larger communities and many different sophisticated elements within our cities, towns and villages, we have many influences that are so sophisticated that those influences themselves no longer necessarily come from within our own communities, let alone our province and in a lot of instances even our country.

We are dealing with kinds of sophistication in the enactment of crime today, crimes of violence, crimes of coercion, crimes of personal and petty assault—any type of criminal offence at all that the law enforcers are faced with today—that are a very different challenge to those people



responsible for keeping law and order in our society than they were a number of years ago.

With the kind of sophistication of communication, it is much easier today for outside international influences and organizations to affect the opportunity for us to live in a state of freedom and safety as citizens in our everyday lives.

The fact is that I can stand here on January 5, 1989, and tell members that when I came to Queen's Park almost four years ago, I did not hesitate to go out to my car in the parking lot outside this Legislative Building at night. Even four years ago, I did not hesitate to go into an underground parking garage in a city of two million people like Toronto. We were Toronto the Good. We have always boasted the fact that we are one of the safest cities in North America.

Unfortunately, some of the very strong elements of influence on our city are now becoming more and more prevalent to where today, in 1989, I no longer go into underground garages at all, unaccompanied. I certainly do not go in at night. I do not go in during the day unless I am accompanied and I do not drive at any time at night or during daylight hours anywhere in this city without my doors locked.

The reason I give that little scenario about where we are today in our society is because I am looking for protection for myself, my family, my friends and my associates in this Legislature from a body that is responsible and whose job and mandate are to protect us. When I look to the police forces to protect us, I recognize that I give them a great deal of responsibility because of the kind of sophisticated crime that is far too quickly becoming a way of life in our North American communities.

It stands to reason that if in the enforcement of law and in order to protect us, the police are faced with far greater challenges than they were a number of years ago, it also follows, very logically and in common sense, that their job is far, far more difficult than it ever was a number of years ago.

I also recognize that in a police force, as in any profession—I emphasize the word “profession” because I think on the whole the calibre of police officers who are trained today in the police forces in this province and this country is of a very high professional level. But I am not so naïve as not to recognize that in every police force, as in every profession, there are always those who are less than at the level of being professional or responsible in their activity.

We have politicians in this world today who are less than perfect. You certainly can have any professions you want to name, whether it is lawyers who are disbarred or doctors who are removed from practising medicine; I may even say dentists who are removed from practising. Architects, engineers, accountants—no matter what professional group of employment you look at, there are always, to use the very old description, bad apples in every barrel.

**1740**

However, I think it behooves all of us to very responsibly recognize that because there are exceptions, where we have people who are not perfect—because we are not a perfect world or a perfect society—we should not very quickly tarnish the rest of that profession with the same brush.

Frankly, I feel that in today's society it is very important we have a process through which the public, if necessary, can lay complaints against a police officer or officers in the execution of their duty, but I think it is equally important we ensure that those officers against whom those complaints are laid are given equal justice. I wonder whether the process that is presently laid out provides that equal justice.

If an officer, in the execution of his duty as a police officer, is exploiting his power, his authority, his strength, his equipment, in any way against the public that is unnecessary at all, then that officer certainly has to be called to task and whatever consequences would follow, depending on the degree of the misuse of his position, must follow—most definitely and without any question.

But I have to say, on the other hand, that we cannot have a society where it evolves that complaints become a way of defence of the accused in a criminal case by way of putting down the responsibility of the police in executing their job by bringing to the attention of a police force false accusations in the form of complaints. If we have valid complaints, it will follow that there will be valid processing of those complaints, because we have that act today.

What we must be careful of is that while it seems sometimes to be a very popular position to be down on the police, we have to be very sure that we are not down on them as a whole but where there is individual, documented evidence of cases where the police officer has not acted appropriately to his or her responsibility. It is only in those cases that we deal with those individuals.



I would not want to serve as a police officer in any police force today in any country, nor would I want any of my family to do so. Quite frankly, as things evolve—and certainly we have seen some examples of it, unfortunately, in the last six months in Ontario—it seems that as soon as the public gets on the back of the police officer or officers, the judgement is made, and it is made without any evidence even being heard. Suddenly, the police are totally wrong and the complainant is totally right.

Until the case is heard, I think it would behoove all of us to execute our responsibility in not joining the throng of what is a popular mode with the public today: "Let's damn the police because they really are just brutal people who do not really know how to be professional in dealing with some of the people with whom they have to come in contact." I have to say that without the evidence and the facts being before any of us, we are very irresponsible to join a throng of support on one side or the other.

I think one of the problems with the Metropolitan Toronto Police Force Complaints Act is the fact that at the moment we do not have a judge who heads the panel of inquiry in order to ensure that rules of evidence or a judicial fairness takes place. We should have a judge who heads the panel. We should make sure we do not have what can occur now without a judge. With no judge, there are no rules of evidence, and without any rules of evidence, what we are saying is that someone can be guilty with very weak evidence and in some cases with just hearsay.

If this system is flawed, and it has been proven that it is in some areas, and requires some further changes, then I wonder about the fact that it is really counterproductive to foist this existing system on the rest of the province.

We are talking about a professional's career when we talk about a complaint against a police officer. Since we have wrongful dismissals, goodness knows, of civil servants whose cases end up in a court of law—wrongful dismissals today are a very commonplace form of hearing in a court of law—how is it that the future of a police officer's career is not heard, debated, discussed and decided upon with some basic rules of evidence? I think it is important that these hearings are conducted at a higher level of professional procedure.

I think also there should be a ban on publication for privacy in these matters; an impartial decision cannot be made if the public and the media have already decided the case.

I also think we should have a statute of limitations placed on the complaints. It hardly makes sense that complaints more than two years old are sometimes brought forward. How difficult, in fact almost impossible, it would be to investigate claims of two years ago. Whose evidence, whose recall would be the most accurate? What was being said could be challenged very easily.

Yet here again, we are dealing with the future of an individual and his family. We are dealing with the future of a police officer. If you lose your job as a police officer on unfair grounds, what other job could you get? Where could that police officer go? What is the future for him in any job market? Certainly, what is the future for his family? To be damned without a proper hearing in this day and age would be regressive.

I understand the police would prefer that complaints were made by those involved, for example, witnesses or victims. Quite frankly, I did not know that complaints could be made by people other than people involved. If you are not a witness or a victim, how can you make a complaint? Are you making it on third-party hearsay? On that basis, possibly more than two years later, are we going to strip an officer of his uniform, his future and his livelihood? Based on what? We do not treat anybody else that way, so I do not see why we should treat police officers that way.

There has been a suggestion that the chief of police should have a say or at least some input—just a say, perhaps—into the final decision in the discipline of police officers when they are convicted. I do not think there is anyone who knows better than the chiefs of police in this province what kind of discipline should be best applied to a convicted police officer.

#### 1750

My goodness, with the level of professionalism that those police officers in this province hold today, do members think that it is possible that any chief of his force wants to have somebody on his force who has been convicted and will tarnish the reputation of his force? Surely they, above anyone else, know what kind of discipline should be deemed appropriate for those officers.

They are certainly not going to be light on that discipline because they have forces to administer. I was going to say manpower, but they have other people power, goodness knows, men and women—this silly terminology we have got into—but there are other members of their forces and the standard of their performance is the most



important thing to that police chief. As a member of the public, I want to tell members that the performance of that police force is the most important thing to me; that I and my family can be safe in today's society in Ontario.

I feel that it is far too easy for criminal charges to be laid against police officers without the ground rules being equal to those of other people. I think that today when criminal charges are finally laid and that officer is brought into court, at least they have their day in court and at least then the public can hear the facts.

Perhaps when there is sufficient evidence—and that can only be decided if we have some rules of evidence with these panels of inquiry that enforce the complaints against police officers—only when all of those things are equal are we dealing humanely with the professional police officer and, as importantly, are we dealing humanely and fairly with the public.

It is very unfair for us to suggest to the public that a fair process exists if it does not. The public should be able to complain, as I said at the outset, when they have a legitimate complaint against a police officer in the execution of his or her duty, but we better be sure that there is an equity of opportunity on both sides of those hearings of those complaints so that we do not have unequal judgements being made based on unequal evidence.

Any one of us would not wish to be found guilty in the media, guilty outside of a courtroom, guilty by third-party hearsay, without the kind of evidence that is needed in any other crime. If we, as individuals, cannot be found guilty of assault without a proper court procedure and hearing and laying of charges, then how is it possible we might consider making a decision about an officer who is risking his or her life every single day, minute and hour of their time on duty to protect us, the public?

I just want to say in closing that the enforcement of law and order in today's society has to be the most difficult job that anyone can be committed to. The fact that we still have people who want to serve the public by being professional police officers in Ontario today is something I think we have to be very grateful for. I am proud of the police forces in this province. I am proud of the men and women who elect to serve in those police forces. I know that each and every one of them wants to be proud of the members of their individual forces.

They, above all, do not want any of the so-called bad apples within their forces to go undetected, undisciplined and without a fair and

judicial hearing. They are not the professionals they are today without wanting to maintain that level of professionalism.

As they serve all of us, with the minute-by-minute risks in today's society that they do face, I think we should thank them for the job they do publicly, instead of being so willing to damn them on information that is suddenly blown out of proportion through our electronic and print media which today supposedly sophisticates our communication. In fact, sometimes I wonder if it complicates our communication, because we do not always get all the facts and, suddenly, someone is guilty without the facts being known.

I am simply saying that it is right that we have a process that protects the public against the bad apple in a police force, but we better be sure that we recognize that it is the police force and its professionalism that protects us.

I recognize that the bill now gives an option to the municipalities around the province to opt out, as a result of a request by my colleague the member for Carleton (Mr. Sterling), and we appreciate the fact that the option for municipalities to opt out of this particular act and have their own hearings is now before us.

I just hope that before this act becomes province-wide, we can look for the kinds of improvements that I have outlined this afternoon in my comments. Basically, the bottom line of that is that we ensure equity on both sides of a complaint issue, so that the professional officer is protected and the public is protected too.

**The Deputy Speaker:** Any questions and comments on the member's statement?

**Mr. McClelland:** It being so near six o'clock, I want to make a few introductory comments prior to adjourning the debate for this evening and resuming when this comes up next for discussion.

At the outset, I want to associate myself with some of the concluding comments made by the member for Mississauga South (Mrs. Marland). I want to be very clear and say that for the police force in the region from which I come and which I represent—

**The Deputy Speaker:** Order, please. I asked for questions and comments on the member's statement.

**Mr. McClelland:** Pardon me, Mr. Speaker.

**The Deputy Speaker:** Since there were none, will somebody wish to adjourn the debate? Is that what you wanted to do? Did you want to adjourn the debate?

**Mr. McClelland:** Mr. Speaker, with your direction, having regard to the time, I will adjourn the debate at this present time and proceed at the next appropriate occasion.

**Mr. Ballinger:** Oh, we were getting all excited to hear from you.

On motion by Mr. McClelland, the debate was adjourned.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** Hearing from the member for Durham-York (Mr. Ballinger) reminds me that we must be very close to adjournment. I will, pursuant to standing order 13, indicate the business of the House for the coming week.

On Monday, January 9, we will deal with the adjourned debate on Bill 4. We will then consider second reading of Bill 69, An Act to amend the Education Act; Bill 186, An Act to provide for the Allocation of Certain Payments or Grants in Lieu of Taxes made by Canada to Municipalities in respect of Lands that are Exempt from

Taxation, and Bill 194, An Act to restrict Smoking in Workplaces.

On Tuesday, January 10, we will deal with second reading of Bill 70, An Act to amend the Education Act; Bill 199, An Act to amend The Ryerson Polytechnical Institute Act; Bill 149, An Act to amend the Trespass to Property Act, and Bill 187, An Act to amend certain Acts as they relate to Police and Sheriffs.

On Wednesday, January 11, we will continue the adjourned debate on Bill 147, An Act respecting Independent Health Facilities.

On Thursday, January 12, in the morning, we will deal with private members' business standing in the names of the member for Peterborough (Mr. Adams) and the member for Kitchener (Mr. D. R. Cooke).

In the afternoon of Thursday, January 12, we will consider the estimates of the Ministry of Housing.

The House adjourned at 6 p.m.



## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

### ASSETS DISPOSAL

**395. Mr. McLean:** Would the Minister of Government Services provide the dates the assets disposal services conducted public auctions in Orillia, as well as cash-and-carry and tender sessions in that city? Would the minister also list the amount of money raised by these auctions and sessions and list the names of the charitable organizations that took advantage of these events? [Tabled November 29, 1988]

**Hon. Mr. Patten:** The Ministry of Government Services has conducted two tender sales in Orillia. Both sales were advertised through local papers. The closing date for the first sale was October 17, 1986. The sale netted \$13,375. The closing date for the next tender sale was November 20, 1987. That sale netted \$4,665. No cash and carry sales were held. No charitable organizations bid on the items.

### NOISE BARRIERS

**396. Mrs. Grier:** Would the Minister of Transportation provide the estimated cost of the noise barriers on the Queen Elizabeth Way, contract 88-52, project? Also, what was the predicted noise attenuation as a result of the erection of barriers in this location? When combined steel and aluminum sound absorptive barriers were added to the ministry's designated sources list, what acoustical analysis was done? How does the noise attenuation achieved by these barriers compare to that obtained using concrete barriers? [Tabled December 5, 1988]

**Hon. Mr. Fulton:** The bid price of this project was \$661,957.40 by Powell Contracting Ltd.

The predicted noise attenuation as a result of the barrier was approximately six decibels (A) for residences adjacent to the south side of the Queen Elizabeth Way and approximately five decibels (A) for residences adjacent to the north side of the QEW.

Before the combined steel and aluminum sound absorptive barriers were added to the ministry's designated sources list, an acoustical analysis was undertaken to determine the noise reduction coefficient. This is a measure of the ability to absorb sound. The test was carried out at Domtar's Montreal research facility in December 1986 and confirmed that the steel and aluminum product exceeded the requirements for noise absorption.

The difference in noise attenuation between steel, aluminum and concrete noise barriers is considered to be insignificant. Both steel, aluminum and concrete would have performed similarly from a noise attenuation point of view.

### TEMAGAMI DISTRICT RESOURCES

**397. Mr. McLean:** Would the Solicitor General provide the number of Ontario Provincial Police officers who were brought in to reinforce the local OPP detachment during the blockade of the Red Squirrel Road near Temagami and the cost (salaries, transportation, etc.) for bringing in these additional police officers? [Tabled December 8, 1988]

**Hon. Mrs. Smith:** There were no Ontario Provincial Police officers brought in to reinforce the local OPP detachment during the blockade of the Red Squirrel Road near Temagami.

### RESPONSES TO PETITIONS

#### TEACHERS' SUPERANNUATION

Sessional paper P-22, re teachers' superannuation.

**Hon. Mr. Ward:** The issue of providing a pension based on "best five" years' service retroactively to those who have already retired must be viewed in the context of the overall financial situation of the teachers' pension plan. It should be noted that when this issue was referred to the Public Sector Pensions Advisory Board in 1986, the board reviewed the matter and recommended against this change.

More recently, the Slater report on teachers' and public service pensions has concluded that under the best possible circumstances, current contributions and investment income are insufficient to provide the current level of pension indexation. Further, the report found that this situation has occurred for benefits that arose from past service, and if nothing is done, will occur in respect of future service. These findings are consistent with earlier reports by Laurence Coward and Malcolm Rowan. Indeed, the Coward report measured the unfunded liability with respect to teachers' indexation benefits at almost \$7 billion.

The government sees the matter of unfunded liability as requiring urgent disposition and is committed to finding a resolution that is fiscally prudent and fair to current contributors and future taxpayers. At the same time, the government has

indicated its willingness to pursue real reform in the pension arrangements.

To this end, a working group on teachers' pensions has been established which includes representatives of the Ontario Teachers' Federation. The "best five" matter is among the issues being discussed by the working group. The working group has been instructed to present recommendations as to how to proceed in the near future so that the implementation arrangements to resolve the funding situation can be included in the next provincial budget.

#### SCHOOL OPENING EXERCISES

Sessional paper P-26, re Lord's prayer and Bible scripture.

**Hon. Mr. Ward:** Statutory and regulatory amendments are being drafted to permit opening or closing exercises to continue in Ontario public schools in a manner consistent with the spirit of the decision of the Ontario Court of Appeal that struck down regulation 262, section 28(1), concerning religious exercises in public schools.

The ministry has advised boards that under regulation 262, section 4, a board may exercise its discretion to offer opening or closing exercises, on the condition that such exercises respect the spirit of the Court of Appeal's decision. If a board chooses to continue with opening or closing exercises, it may do so provided that any readings and prayers reflect the multicultural realities and traditions of Ontario society. Among such readings and prayers, the Lord's prayer may be included. However, in light of the court ruling, readings from one religion would not be permitted to be used exclusively or given a position of primacy.

#### MINIMUM WAGE

Sessional paper P-31, re minimum wage.

**Hon. Mr. Sorbara:** The government of Ontario is concerned with the ability of workers with limited income to maintain themselves and their families. For this reason, after years of intermittent and ad hoc adjustments to the minimum wage, the government of Ontario embarked upon a policy of annually reviewing the minimum wage with a view to restoring lost purchasing power.

As a result of this policy, over the past two years, the minimum wage in Ontario has become, together with that in Quebec, the highest minimum wage for any provincial jurisdiction in Canada and among the highest of any jurisdiction in North America. Furthermore, the minimum wage has been restored to a level,

relative to the average industrial wage, not seen since 1981.

Of course, the government of Ontario recognizes that, despite this progress, the problem of the working poor continues. The government understands that poverty is a complex issue and, as the recent report of the Social Assistance Review Committee notes, increasing the minimum wage in itself is not a solution to poverty.

It is generally accepted that a substantial increase in the minimum wage will have some effect upon employment, thus affecting the job security of the most economically marginal sector of society.

The recommendations contained in the SARC report approach the question of poverty in a holistic manner and are being actively reviewed by various ministries.

In the meantime, the government of Ontario is continuing to attack the problem of poverty by restoring the purchasing power of minimum wage workers through an annual review of the minimum wage and by devoting significant resources to education at all levels, including adult literacy programs and training programs to upgrade the skills of the labour force.

#### ANIMALS FOR RESEARCH

Sessional paper P-35, re animals in product testing.

**Hon. Mr. Riddell:** The statements heading this petition are not correct.

The wording in this petition implies that cosmetic and household product testing in Ontario causes death, suffering and pain in many animals. Little testing of these products is conducted here. Less than 300 rabbits a year are part of eye irritancy tests. All research and animal testing facilities are inspected by ministry veterinarians to ensure there is no unnecessary pain. These are unannounced inspections made under the Animals for Research Act.

Federal government regulations require manufacturers of consumer products to ensure that any items they sell are safe if used as directed. Tests may also be required by federal authorities to classify materials for the new workplace hazardous materials information system legislation. Some of these tests require animals. The modern modified tests require fewer animals, cause less mortality and may provide more information. The tests provide information to protect people. In the case of the eye irritancy test, the animals are protected with general or local anaesthetics where eye tissue damage is anticipated.



Alternative nonanimal tests such as the chorio-allantoic membrane test have been developed for some applications such as screening. Nonanimal tests will undoubtedly be improved by research and new tests developed until their reliability can be accepted by federal authorities and the courts.

The government does not believe that we should ban tests while they are still required to ensure the safety of public consumers and workers. A ban here would only force the performance of tests into other provinces which do not have veterinary inspectors monitoring them.

#### SPECIAL EDUCATION

Sessional paper P-37, re segregated classroom.

**Hon. Mr. Ward:** The Ministry of Education believes that the diverse needs, abilities and interests of all exceptional pupils can be best addressed in a learning environment which facilitates maximum individual growth and development—physically, intellectually, emotionally, socially, culturally and morally. The Education Act and the regulations require that, once identified, each exceptional pupil be placed in an appropriate setting to meet the identified needs of the pupil.

The Ministry of Education encourages school boards to provide or make available a spectrum of placements. Ongoing review of the placement of each pupil's learning abilities and needs

ensures the appropriateness of the placement. This placement of an exceptional pupil is dependent upon the following: the goals of education in Ontario, a statement of needs and learning abilities, the delivery system of each school board, the recommendation of an IPRC and the concurrence of the parent.

School boards have a responsibility to develop programs and services for their exceptional pupils within the framework of the Education Act, the regulations and other ministry policy documents. In addition, the Ministry of Education recognizes that some exceptional pupils will need access for varying periods of time to the services of paraprofessional and professional support staff within a variety of educational settings.

It is the conviction of the ministry that the interests, needs and strengths of each pupil, as identified through the co-operative and cumulative efforts of parents, educators, support staff and other professional disciplines, must determine the placement of individual exceptional pupils.

It is the position of the ministry that the placement of exceptional pupils into either regular classes or special classes on the basis of a philosophical principle, without due consideration of each situation, is directly counter to the best interest of individual pupils.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- 
- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Orléans L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
**Elston, Hon. Murray J.**, Chairman of the Management Board of Cabinet (Bruce L)  
 Epp, Herbert A. (Waterloo North L)  
 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
**Grandmaître, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
 Grier, Ruth A. (Etobicoke-Lakeshore NDP)  
 Haggerty, Ray (Niagara South L)  
 Hampton, Howard (Rainy River NDP)  
 Harris, Michael D. (Nipissing PC)  
 Hart, Christine E. (York East L)  
 Henderson, D. James (Etobicoke-Humber L)  
**Hošek, Hon. Chaviva**, Minister of Housing (Oakwood L)  
 Jackson, Cameron (Burlington South PC)  
 Johnson, Jack (Wellington PC)  
 Johnston, Richard F. (Scarborough West NDP)  
 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
 Keyes, Kenneth A. (Kingston and The Islands L)  
 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
 Mackenzie, Bob (Hamilton East NDP)  
 Mahoney, Steven W. (Mississauga West L)  
**Mancini, Hon. Remo**, Minister without Portfolio (Essex South L)  
 Marland, Margaret (Mississauga South PC)  
 Martel, Shelley (Sudbury East NDP)  
 Matrondola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)



Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
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 Neumann, David E. (Brantford L)  
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 Nixon, J. Bradford (York Mills L)  
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 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
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 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**  
Monday, January 9, 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, January 9, 1989

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### FLUORIDATION

**Miss Martel:** Three months ago, the regional municipality of Sudbury requested funding from the Ministry of the Environment to help fluoridate existing water systems in the region. Several outlying communities do not have fluoride-treated water and the public health unit had evidence showing that young children in those communities had a higher incidence of tooth decay than children in the rest of the region.

Regional council originally approached the Ministry of Health for assistance with the fluoridation project. While the Ministry of Health agreed fluoridation was a safe and economical measure to reduce dental disease, regional council was advised to apply to the Ministry of the Environment for funding. That ministry has a 33 per cent grant available for projects that are designed to resolve health or environmental problems.

Given that dental disease is certainly a health problem, and given that the Ministry of Health referred the region to the Ministry of the Environment, the region believed its fluoridation project qualified for the 33 per cent grant. The Ministry of the Environment did not agree. The minister replied that he would not fund fluoridation equipment as a health matter. He gave no indication of what type of health matter his ministry would fund.

Surely the Minister of the Environment (Mr. Bradley) can do better than that, and surely both ministries should get their acts together on this matter. The Minister of the Environment should reconsider his decision and accept fluoridation as a project designed to resolve a health problem.

### HIGHWAY CONSTRUCTION

**Mr. Eves:** It is my pleasure to rise today and inform the Legislative Assembly that this afternoon I will be introducing a petition with close to 4,000 signatures on it asking for the four-laning of Highway 69 from Waubaushene to Sudbury.

In attendance today are the mayor of Parry Sound, Mr. O'Halloran, and Mr. Wong, the mayor of Sudbury, as well as the past reeve of the township of Georgian Bay.

This is a very apolitical and nonpartisan approach to a very serious problem, and I understand that my colleagues the member for Muskoka-Georgian Bay (Mr. Black) and the member for Nickel Belt (Mr. Laughren) will also be rising to give statements on the same subject.

Just between Christmas and January 1 of this year, in a small stretch of 20 miles of Highway 69 between the communities of Mactier and Parry Sound, some seven people have been killed in traffic accidents. That is by no means unusual for this stretch of highway, which I believe is among the most dangerous in Ontario.

What we are seeking is a practical commitment from the government that over a certain period of time and a set timetable, it will indeed four-lane the highway through Parry Sound and on to Sudbury.

I believe that the resolutions of Parry Sound council and other municipalities are very reasonable and practical, calling for four-laning of the highway as far as Parry Sound by 1994. I believe it is one with a nonpartisan approach and an approach to improve not only the safety of Highway 69, which is part of the Trans-Canada Highway system, but the economy of northern Ontario as well.

**Mr. Black:** I do want to support the views expressed by my colleague the member for Parry Sound. I would like to point out that it is the first time he has been on the right side of an issue for many months and I congratulate him for that.

In all seriousness, I should point out to members of this House that the four-laning of Highway 69, and indeed of Highway 11, is an important issue. I would suggest that it is important in both cases for three different reasons. First of all, there is the safety factor involved. Those highways were originally designed for traffic at a time when the flow of traffic from southern Ontario to the north was much less than it is today. The rates of accidents on those highways are important ones that we must be aware of.



I would argue that the four-laning of Highway 69 is important also for the development of Muskoka, Georgian Bay and Parry Sound regions. Those are the primary resort and recreational areas in this province. Many people from southern Ontario will be increasingly moving to them for their recreational time.

Finally, as I have mentioned before, the linking of northern Ontario with the southern part of this province is a vital priority in the eyes of many people. So I support the member for Parry Sound, and the member from Sudbury who will speak later, in their efforts to have this highway four-laned as soon as possible.

**Mr. Laughren:** It is time that this government took some initiative to upgrade our highways. It has been told repeatedly by groups and individuals of the pressing need for expansion, repair and upgrading of our highways.

Highway 69, a major artery from southern to northern Ontario is still only a two-lane highway. It is not adequate either from a safety point of view or for the economic development of northern Ontario. In 1988, 23 people were killed in the 240 kilometres of two-lane highway between Waubauskene and Sudbury. That is up almost 200 per cent over the previous three years. Another 214 people were injured.

In a speech to the standing committee on resources development last week, the Minister of Transportation (Mr. Fulton) included among his major expansion programs Highway 69 from Waubauskene to Port Severn. That is approximately 10 kilometres; about five miles is all that is. The minister himself says that transportation is often cited as a major contributing factor to the relatively high cost of doing business in northern Ontario. "These costs are viewed as a barrier to economic development," says the minister.

He says that the Ministry of Northern Development will design a larger highway capital construction program for long-term development. What is his priority? He tells us in his speech, "improving transportation infrastructure and service in and around the greater Toronto area is a major priority of my ministry." It is time Highway 69 was four lanes.

#### HOSPITAL SERVICES

**Mr. McLean:** My statement is directed to the Minister of Health (Mrs. Caplan) and concerns a growing number of people in Ontario who do not want to end up being just one more statistic on her books.

I have a letter concerning Clifford Mears from the Orillia area, who was diagnosed as having

severe angina. The earliest he could be scheduled for surgery was early January. That has since been delayed a number of times. Mr. Mears has since had a heart attack that has caused permanent damage and has led to the deterioration of Mr. Mears's quality of life.

I have a second letter—these are both just last week—from a Mrs. Beacock of Elmvale, who has been waiting since last November to have an aortic valve replaced in her heart. She was released from hospital late last year and told to wait for a call from the surgeon about when she could be expected to have her surgery. Mrs. Beacock is still waiting for that call.

The time is long overdue for the minister to get a better grip on her ministry because heart surgery delays like these I have mentioned here today place an enormous emotional stress on the patients waiting for the surgery, and for their families as well. It seems we cannot pick up a newspaper without reading about horror stories similar to those I have mentioned.

What are we supposed to tell people when they come to us and ask why their heart surgery has to be delayed time after time after time? Her ministry has declined to the point where major surgery is required to bring it back to health without further delay.

It appears that many of those heart surgery delays are a result of there not being enough hospital beds. If she had looked outside today, she would have seen a large group of homemakers who were protesting her government's deafness for more funds to reduce the problem.

#### LONG-TERM PLANNING

**Mr. Adams:** The current boom in the economy of the province, including the unprecedented growth of Metropolitan Toronto, is creating stress in communities across Ontario. The government is responding to problems of housing, transportation, schooling and delivery of basic services to communities in and around Metro.

The scale of problems is directly proportional to the pace of development. Individuals, communities and governments are struggling with immense challenges which, properly handled, present great opportunities. Beyond Metro, the stresses are sometimes less obvious but are there nevertheless. Agricultural land and environmentally significant areas are being swallowed up or set aside for future development. Industries are trying to acquire prime development sites. The commuting distance to Metro is increasing, driving up home prices, increasing demand for



rapid transit and generating more traffic on already congested highways.

I am concerned about the impact of Metro's growth on the rest of the province. It is our duty, as provincial legislators, to ensure that the province as a whole benefits from these good times and is adequately prepared for challenges faced in the world economy. I urge that a high-profile inquiry be established to determine long-range planning strategies and goals for Ontario.

1340

#### LARK MANUFACTURING INC.

**Mr. Reville:** I want to bring to the attention of the Legislature today the plight of 140 mainly Chinese-speaking, mainly female workers who, until the end of September, had jobs in my riding at Lark Manufacturing at 345 Carlaw Avenue. These workers were laid off with five minutes' notice. The company did not pay them back wages. They are owed between one and three weeks' wages. They received no vacation pay and they received no severance pay.

A complaint has been registered with the employment standards branch, but to date that branch of the Ministry of Labour has done little that satisfies the workers that the government is really interested in helping them get money which they earned with their own hands, as they put it. I call upon the government to get cracking and help these workers.

#### VISITOR

**Mr. Speaker:** I know the members would want me to draw their attention to a visitor in the lower east gallery, a former member, Margaret Campbell. Welcome.

**Hon. Mr. Peterson:** A very proud mother of a member of the provincial parliament, you should add, Mr. Speaker, if I may.

Interjections.

**Hon. Mr. Peterson:** There is not much charity across this hall, Mr. Speaker, however.

#### STATEMENTS BY THE MINISTRY

##### EMPEROR HIROHITO

**Hon. Mr. Peterson:** On behalf of the government and the people of Ontario, I would like to extend my condolences to the people of Japan on the passing of His Imperial Majesty Emperor Hirohito.

The reign of Emperor Hirohito, which began on December 25, 1926, coincided with a period of tremendous change and growth for the

Japanese nation. During the reign known as Showa, or the Era of Peace and Enlightenment, Japan emerged from the dark days of the Depression, and the tragic days of the Second World War, to develop as one of the world's paramount industrial powers.

I know that the people of Japan felt the presence of the Emperor as a strong guiding force in their everyday lives, and they share a great sense of loss in his passing. I extend my sympathies to them in their hour of national mourning.

#### HOSPITAL SERVICES

**Hon. Mrs. Caplan:** I wish to bring members up to date on recent developments regarding the scheduling and cancellation of heart surgery at St. Michael's Hospital.

An immediate independent investigation has been launched, under the Public Hospitals Act, into the scheduling of heart surgery at St. Michael's. Vicki Kaminski, assistant executive director of nursing at Sudbury Memorial Hospital, and Dr. William Sibbald, co-ordinator of the critical care-trauma centre at Victoria Hospital in London, have been appointed as investigators by the province. Sister Elizabeth Davis, executive director of St. Clare's Mercy Hospital in St. John's, Newfoundland, has been appointed on the recommendation of the hospital. I have asked the investigators to report as soon as possible.

As indicated on Friday, the independent investigation will examine, among other matters, admission and scheduling procedures for cardiovascular surgery, methods of monitoring patients while on waiting lists for surgery and other factors which may influence the scheduling and admission process.

My ministry has recognized the need to assist hospitals meet the growing demand for cardiac care. Last June, for example, the ministry approved more than \$21 million for the province-wide expansion of a program to treat and prevent heart disease.

Members should also know that funding requests by St. Michael's last year for additional cardiovascular services were approved by the ministry, including \$2.2 million for capital grants and \$6.4 million in operating funds to meet the growing number of cardiac patients as well as additional beds required for critical care patients.

In keeping with its commitment to increase cardiac capacity by 200 cases per year, the hospital has informed us that it will open two more trauma beds this month and two more in



February. St. Michael's will also be adding about six critical care beds. At present, trauma patients must sometimes be put in beds which could be occupied by cardiac patients.

In light of the cases brought to our attention last week, we want to work with St. Michael's to ensure that the scheduling and admissions procedures are as effective as possible.

### DRUG ABUSE

**Hon. Mr. Ward:** Our government believes the schools of this province can and must share in the challenge of fighting drug abuse by our young people.

Educators, including teachers, principals and elected and administrative officials of school boards, must work in partnership with parents, communities, police and many others in our province to attack substance abuse.

Today I am announcing an important initiative designed to help educators do their part in this joint endeavour.

I am pleased to announce the appointment of Karl Kinzinger, director and secretary-treasurer of the North York Board of Education, as chairman of a ministry advisory committee to help school boards develop drug education and drug abuse policies.

Karl Kinzinger is a capable and appropriate choice for this important position. He has joined us today and is sitting in the members' gallery. He brings to the chairmanship an extensive background in Ontario's educational system, including 15 years as a teacher and principal in both rural and urban schools and 20 years in various administrative posts with the North York board, one of the largest in this province.

The creation and adoption of drug education and drug abuse policies by school boards was a recommendation in the report on the use of illegal drugs in Ontario by my colleague the member for Muskoka-Georgian Bay (Mr. Black).

The advisory committee's role will be to ensure that there is consistency in the drug education policies school boards adopt. The committee will create a framework to provide boards with direction on what should be included in a drug education policy.

The committee is to present me with its report by the end of this year, and the policy framework is to be available to school boards by the spring of 1990.

It is my expectation that every Ontario school board will have a comprehensive drug education policy in place by September 1991.

In addition to the chairman, 10 major educational organizations, the Addiction Research Foundation and the Ontario Provincial Police will be invited to have representation on the committee along with Ministry of Education representatives.

The work of the committee is one of several steps my ministry is taking in a co-ordinated attack on drug and alcohol abuse in Ontario. It is an essential link in the province-wide partnership through which we must all help our children say a strong no to drug abuse.

### RESPONSES

#### EMPEROR HIROHITO

**Mr. B. Rae:** On behalf of the New Democratic Party, I want to share in the comments made by the Premier (Mr. Peterson) on the passing of Emperor Hirohito.

I am sure, along with many others who have watched the events of the last few days and had a chance to reflect on the history of this century, it really is quite a dramatic series of changes in the relationship between Canada and Japan, and between Japan and the rest of the world, over which the Emperor has presided.

Of course, we send our prayers to his family and wish a healthy and happy reign to his successor, Emperor Akihito.

1350

#### HOSPITAL SERVICES

**Mr. Reville:** In response to the statement today by the Minister of Health (Mrs. Caplan), I want to start by saying it almost defies belief that the government should respond to the tragedies that have occurred, not just recently but ever since this minister took over that job, by launching an investigation into scheduling of heart surgery at St. Michael's Hospital.

This is a classic case of blame the victim. There is more than one victim here: there are the people of Ontario and there are the institutions and medical professionals who are doing their best to provide those people with the care they need.

It does no good for this minister to recite again announcements that were made as long ago as June and from which we have seen little effect. It is astounding to me and I am sure to any member of this Legislature that the minister has failed to say again today what it is she intends to do about the critical and growing shortage of nurses in the province. It makes no sense at all to say that the matter is finished because we are going to put some money into creating beds. We can renovate



all the wards we like, but until we solve the nursing crisis, nobody is going to be in those beds because there will be no care available for people who are recovering from surgery.

The medical profession has been very clear, particularly of recent days, in indicating that it too believes that the problems being observed in the scheduling of cardiac surgery are almost entirely related to the shortage of nurses. It appears that the government's stinginess in terms of funding hospitals means that, in the interim, hospitals are unable to go to agencies to hire critical care nurses.

One of the responses the minister could make immediately is to consult with the hospitals, surgeons and nurses and discover just how much money it would take to ensure that at the moment, in the interim, money could be made available to hire nurses from agencies.

That, of course, will not solve the long-term problem. There is no mystery whatsoever about the nature of the problem and the steps that must be taken by this government and by this Minister of Health to solve the problem. Continuing to repeat that the nursing shortage is a cyclical problem is an insult to all those professionals who have advised the minister otherwise over and over again.

This matter is not at all news to the minister. I know people will not be satisfied with this kind of response. By all means, one can always look into procedures that are taken or not taken at particular hospitals, but this will not do at all. I think it is far past the time when the Minister of Health and this government must take immediate action to solve the nursing crisis before that profession, the largest profession in this province I might add, is wounded fatally.

#### EMPEROR HIROHITO

**Mr. Brandt:** I want to take this opportunity to join the Premier (Mr. Peterson) and the Leader of the Opposition (Mr. B. Rae) in expressing the sympathies of our party with respect to the recent passing of His Imperial Majesty Emperor Hirohito. This is certainly a very sad and difficult time for the people of Japan, who held their emperor in such high esteem.

I think all Canadians certainly share with the people of Japan the terrible loss of the emperor's passing and the passing of an era in Japan which was a very difficult one for the people of that country, going back to the time of the Second World War, then to a more enlightened era under the past emperor when Japan became one of the

largest economic powers in the world and one of Canada's most important trading partners.

In this time of national mourning for the people of Japan, I want to take this opportunity to extend our heartfelt sympathy to all of those people in Japan and to the Japanese throughout the world who will certainly have this sad moment as a result of the passing of Emperor Hirohito.

#### HOSPITAL SERVICES

**Mr. Eves:** I would like to rise and respond to the statement made by the Minister of Health (Mrs. Caplan) in the Legislature this afternoon. It is a somewhat interesting statement, from this particular minister especially. I am reading here from the minister's statement of June 9, 1988:

"In Toronto, the three heart surgery units will increase their...case load...to 3,100 almost immediately." I do not know what "almost immediately" means to the Minister of Health, but we are exactly seven months later to the day this announcement was made on June 9, 1988. This is January 9, 1989. Hello. Is anybody over there? Is anybody listening? "Plans for a fourth unit at Sunnybrook Medical Centre will be accelerated. We expect it to be in operation by the end of the year." That was 1988; this is 1989.

I would like to join with the comments my colleague the member for Riverdale (Mr. Reville) made about the nursing shortage. Both opposition parties have been talking about the nursing shortage in this Legislature for many months. The minister's response has been everything from, "There is no nursing shortage," to, "Yes, there is one, but it is cyclical"; "Yes, there is one, but don't worry about it, because our nurses are the highest-paid anywhere in Canada"; "Yes there is one, but we're going to graduate a record number of new graduates this year from nursing."

So there is no problem, Minister. Where are the problems? Why are these people dying? Why are their problems not being addressed?

The minister told us there was a central registry system for cardiovascular surgery patients operational in the city of Toronto as a pilot project before the end of the year. Why did that not help Mr. Coleman? Why is it not helping these other patients and why is the minister sending an investigation team to St. Michael's? It sort of smacks of the investigation team she sent in to Cambridge Memorial Hospital.

I do not know why the people over there will not take responsibility for the decisions they make that they have control over. If they get their



act together, then they can talk to somebody else about getting their act together and maybe save some lives in the process.

### DRUG ABUSE

**Mr. Harris:** I want to respond briefly to the statement by the Minister of Education (Mr. Ward) and say that we are pleased to see Karl Kinzinger, director of the North York Board of Education, as chairman of the committee. However, that is where our pleasure stops.

When Benji died and the Haywards came to us all, they said, "It's too late for Benji, but we hope it isn't too late for others." They encouraged us all to press on faster and with more resolve.

The minister's statement says a comprehensive drug education policy will be in place by September 1991. It is already in place in North York in 1988. Many are asking why it was not in place in many more boards in 1988. I do not think anybody can accept that it will not be in place in 1989, let alone by 1990, and the minister is saying he is going to wait for September 1991. I think that is unacceptable. I think it will be far too late for many more people, many more youths, many more students in 1989 and in 1990.

My only question to the minister is: Why the wait? We have unanimous consent that we must go in this direction. Why is he taking two years to bring forward something we are all—

**Mr. Speaker:** The member's time has expired.

### ORAL QUESTIONS

#### HOSPITAL SERVICES

**Mr. B. Rae:** I want to ask some questions of the Minister of Health about the crisis in surgery for heart patients and ask her some questions about the announcement she made in the House last June.

The minister announced a central registry pilot project for heart surgery patients which has not yet started. She also announced a major expansion of facilities for heart surgery which is not yet in place. She announced that Sunnybrook Medical Centre would have a new unit performing surgery by the end of 1988, and that has not happened. She announced that there would be additional surgery at the Toronto Hospital.

I can tell her that Toronto General Hospital is actually performing fewer heart surgeries than it was last year. At Mount Sinai Hospital, again, the change is not yet in place. At St. Michael's Hospital, there are only two additional beds of the several announced by the minister.

How does the minister explain this incredibly dismal record in the implementation and follow-through of an announcement which got all kinds of publicity last June when the minister made it? Does the minister not feel that these broken promises are things she is responsible for and that it is not good enough for her to pass the buck and blame the institutions, that she has to take some responsibility for the fact that the things she said would happen have not happened?

1400

**Hon. Mrs. Caplan:** I would like to say to the Leader of the Opposition that the announcement that was made last June was the result of consultation with some of the leadership from Metropolitan Toronto and across the province in the provision of cardiac care. We discussed what was needed as far as expansion was concerned, not only for Toronto but also for other centres across the province, and what was a realistic implementation time frame.

I am as frustrated as he is that there have been delays in implementation. I was assured at the time that the time frame that was set out was reasonable and I am confident that we are making progress to implement. The funds are available, and it is a question now of having the partnership between the hospitals, the staffing and the ministry to make sure that the resources are in place.

**Mr. B. Rae:** The minister announced that these things would be done, that they would have an impact right away in reducing the waiting list and that they would have an impact right away on the surgery being performed in this city and in this province, and those announcements have not come true. They are another list of broken promises from this Liberal government.

I would like to ask the minister if she can explain why her government has not made one practical proposal dealing with the nursing crisis and the nursing shortage; why there has not been one specific intervention from her and from her government dealing with the fact that even once these capital improvements have been made, the beds have been set aside and the renovations have taken place, the hospitals simply do not have the staff to perform the surgery and to provide the care that is needed for patients before, during and after surgery.

**Hon. Mrs. Caplan:** In fact, the Leader of the Opposition is not correct in the last analysis. The registry which he talked about, while it had some delays in getting going, is up and running now. Toronto Western Hospital's increased capacity is functioning and available now. There are addi-



tional beds, which I mentioned today in the statement, coming on stream at St. Mike's. Sudbury has increased its capacity, and I understand the Hamilton capacity is increasing within just the next couple of weeks.

**Mr. B. Rae:** I did not hear an answer to my question about nursing at all. We can argue with the minister about what has been and what has not been done. If she is arguing that the commitments she made in June have been fulfilled, let her say it outside and try to convince the patients who have been waiting and who are waiting still and who know perfectly well that the promises this Liberal government made to them have not been kept.

The minister will know that the first recommendation of the special report on nursing manpower by Professor Noah Meltz, conducted on behalf of the Registered Nurses' Association of Ontario, recommends that the Ontario Hospital Association and the Ontario Nurses' Association adopt premium pay scales to attract registered nurses to difficult-to-staff units, and that includes cardiac care units.

The minister will also know that the ONA president has announced on the weekend that she is willing to reopen the collective agreement between the nurses and the hospital association to deal directly with the pay levels of nurses who are providing cardiac and critical and intensive care.

I want to ask the minister a very direct question: Is she prepared to sit down with the hospital association and find a way to fund the kinds of increases in pay that she knows perfectly well are going to be absolutely essential to attract, train and keep nurses at the bedside for heart patients?

**Hon. Mrs. Caplan:** As the Leader of the Opposition knows, there were a number of recommendations addressed in the studies which have been brought forward on nursing manpower which talk about the obligations of the employers, the hospitals and the employees, as well as educators and government. As he knows, I made a commitment to open the Public Hospitals Act to make sure that nurses participate fully and are recognized as important members of the health care team.

I was pleased that the Ontario Nurses' Association announced that it would like to return to the negotiating table. Their negotiations are with the Ontario Hospital Association, and in fact I would support those new contract discussions. I would like to see such issues as differential pay for critical care nurses discussed. I know the collective agreement between the

Ontario Nurses' Association and the Ontario Hospital Association could be amended in some way to allow for the flexibility required to make sure that the needs of critical care, in downtown Toronto particularly, are being addressed.

#### HOME CARE

**Mr. B. Rae:** I have a question to the Minister of Community and Social Services. I wonder if the minister can tell us whether he agrees with a statement that was made by the interministerial committee report on homemaker services. The committee was set up in January 1987, two years ago, and it reported in July 1988. The report states, "...increasing homemakers' wages is the single most important factor in ensuring the ongoing viability of the visiting homemaking system."

I wonder if the minister can tell us whether he agrees with that and what he intends to do to deal with a situation where a visiting homemaker from Port Colborne to whom I was talking outside on the steps today, where neither the minister nor the Premier (Mr. Peterson) was prepared to come, told me she is making \$5 an hour providing care for senior citizens at home. What is the minister going to do to increase her wage to a living wage?

**Hon. Mr. Sweeney:** In response to questions in the House last week with respect to the deficit situation, I said very clearly that one of the key issues was the wages being paid to the direct front-line homemakers and that any attempt to deal with the deficit situation by itself would not resolve the current problems. The homemakers' wages are a very important component to the whole difficulty.

**Mr. B. Rae:** My question was: What is the minister going to do to deal with the most fundamental recommendation of that committee? That committee made a fundamental recommendation. What is the minister going to do to deal with the basic recommendation of that committee?

If he wants to keep people, if he wants to stop a turnover rate as high as 120 per cent and 130 per cent in some parts of this province, what is the minister going to do to make sure that people are paid a living wage, a wage that will allow them to stay there, that will treat them with dignity and will mean that people will not be leaving every three or four months, with people having to be trained and retrained? What is the minister going to do to implement that basic recommendation of his own—



**Mr. Speaker:** The question has been asked. Order.

**Hon. Mr. Sweeney:** The honourable member is aware of the fact that in the last two years my ministry alone, apart from the Ministry of Health, has put an additional \$40 million into the homemaker programs of the province. At the same time, we realize the increase in the growth and the demand for that kind of service.

As a result of that, the Ministry of Health and the Ministry of Community and Social Services are jointly preparing a complete overview of community care programs versus institutional care programs. The honourable member will be well aware of the fact that at the present time the institutional care programs in both ministries take a very substantial share of our budget.

If we can figure out ways to shift money from that component of our two budgets into community care, then we are going to be able to resolve these issues, but we are going to be dealing directly with the issue of homemaker wages very shortly.

**Mr. B. Rae:** This government and its predecessor Tory government, which it is beginning to resemble more and more every day as I speak, have been studying this question of the relationship between institutional care and community care, between the ministries of Health and Community and Social Services, for more than a decade. There are reports piled up higher than my desk out here in the minister's own bureaucracy on this relationship.

1410

The people who were demonstrating outside and who are leaving the profession in droves do not need another overview. What they need is an increase and a commitment from this government to fund community care at a level that will allow community care to grow in a realistic, sensible way. Every government in place has to face up to that reality. What is the minister going to do now to increase the pay of the people who were demonstrating outside?

**Hon. Mr. Sweeney:** Mr. Speaker, it becomes increasingly difficult to respond to these kinds of questions, because you will be well aware of the fact that this same opposition leader, his colleagues and the members of the third party over the last several months have been very strenuous in their questions to the Minister of Health (Mrs. Caplan) about putting increasing sums of money into the basic health program that exists now.

The member will be well aware of the fact that last year the total new taxes that were raised by

this government were \$1.3 billion. Of that, \$1.2 billion—in other words, every single cent of those new taxes, with the exception of \$100 million—went into the health programs to respond to the very kinds of questions that they have constantly been raising in this House.

What honourable members have to appreciate is that we cannot continue to pour those kinds of dollars into the institutional component of health and, at the same time, put additional dollars into communities. We have to find a way to balance those two kinds of service. That is what we are trying to do.

**Mr. Brandt:** My question is to the same minister and along the same lines as the question raised by the Leader of the Opposition (Mr. B. Rae).

The minister is aware of the fact that there was a demonstration, obviously, on the front steps of the Legislative Assembly today. There was some concern about neither the minister nor the Premier being in attendance to at least share with the group that was assembled, the homemakers of our province, their views as to what is going to happen with respect to the future of that program.

I think their concerns centre very specifically on the interministerial report which has been developed, starting some two years ago and made public about six months ago, relative to the changes that are going to be necessary in homemaker services. Can the minister share with the House what he intends to do with that report? Does he intend to implement the findings of that report and its recommendations? If so, when can we expect that the decision will be made by his ministry?

**Hon. Mr. Sweeney:** There were three essential recommendations in the report that the honourable member will be aware of. One has already been discussed, the direct wages paid to the homemakers. The second one with respect to the homemakers was training programs. The kind of care of the elderly and the disabled in the province today is of an increasingly serious and difficult nature. The third one was the rates paid directly to the agencies for the administration costs which they encounter in delivering those services, including, as the Red Cross brought to our attention, the travelling costs of its workers. All of those have been accepted by us as legitimate concerns and legitimate areas for consultation and solution. We are working on those right now.

As the honourable member said, the report was released publicly approximately six months ago. We have constantly been in touch with the



various agencies across the province and with the municipalities, who are our funding partners. As the member knows, my ministry pays 80 per cent and the municipalities pay 20 per cent. We have been in touch with the Red Cross. We consulted with them last Friday as to what our intentions were in the immediate short term, as well as our long-term intentions. It is an ongoing process and we are dealing with it right now. All three of those issues must be dealt with.

**Mr. Brandt:** I would like to remind the minister that this is, in fact, a report prepared by his ministry in consultation with other ministries. It is not an outside consultant's report but an internal government report with a series of recommendations by his own people. Second, it is in direct line with and supports the promise made by the Premier in the last election, and I recall those ads very well, when the Premier promised to expand the homemaker program right across this province into areas which are not at the present time receiving that particular type of service.

In order to help the people who have taken the time to come here today and to demonstrate at Queen's Park, can the minister perhaps give them some indication of what he plans on doing with respect to issues like the inadequate wage levels that these people are receiving at the moment? Can he give us some indication of his time frame, when he intends to act on his report prepared by his ministry and others?

**Hon. Mr. Sweeney:** I do not think I suggested at any time that it was other than an interministerial report. On the basis of that, that is why we agree with the three main recommendations in the report. I am not in any way denying that.

At the same time, I have to remind the honourable member that the introduction of the integrated homemaker program by this government was picking up a program which his own government had attempted to introduce as far back as 1981 and it sat on the shelf from 1981 to 1985 with no action at all.

We are not suggesting that we have gone as far as we need to go or as far as we plan to go with the current program. We know what the needs are, but the difficulties that we are encountering are because, in fact, we are taking a proactive stance in this field. We are moving increasingly into the field. We are moving into the field with elderly persons' centres. We are moving into the field with a whole range of home support services. We are moving into the field with Alzheimer's services, and we have moved into the field with this new integrated homemaker program.

In total, this government is spending \$373 million in a range of home support—

**Mr. Speaker:** Thank you.

Interjections.

**Mr. Speaker:** Order.

**Mr. Brandt:** That program has not used up the money that the minister provided for in his own budget, so he has underspent that program.

For weeks now we have been talking about picking up the operating deficits of the Red Cross and other of the not-for-profit agencies involved in delivering a homemaker service. As late as Thursday of last week, we talked about the need for that deficit to be picked up in order that those agencies could continue to operate.

Now we have an announcement over the weekend about the fact there was going to be a demonstration on Monday—today—here at Queen's Park, and interestingly enough, right in the middle of those two time frames, the Thursday question and the Monday demonstration here, there was an interesting announcement made by the minister, after stonewalling this question week after week and day after day in this House, refusing to make a commitment.

**Mr. Speaker:** The question?

**Mr. Brandt:** All of a sudden, like manna from heaven, an announcement was made by the minister that the Red Cross would receive \$1.1 million and that there would be \$1.8 million in total to all of the homemaker agencies that required a covering of their deficit.

**Mr. Speaker:** Question?

**Mr. Brandt:** I ask the minister: What happened?

**Hon. Mr. Sweeney:** I would ask the honourable member to examine the answers to my questions from last week. I believe there were three different ones on three different occasions and on each one of those occasions I indicated very clearly that we were in the process of reviewing that request and that if we could find the necessary resources, we were prepared to allocate them.

I also indicated specifically, in response to a question from this honourable member, in response to another newspaper report in fact that we were not going to pay it: "No, I did not say that at all." We said very, very clearly we were trying to find the resources; and second, we were trying to ascertain for ourselves whether or not agencies other than the Red Cross were involved in this particular concern and to what extent we could verify the deficits themselves.



All of those things were taking place during last week. Since it had not yet been resolved as of Thursday at 2:30, I could not respond to it. It was resolved later on Thursday and the announcement was made on Friday. We cannot be quicker than that.

### HOSPITAL SERVICES

**Mr. Eves:** I have a question for the Minister of Health. In response to a number of questions that I and other members have asked regarding waiting lists for heart surgery, she said, "Our system is designed so that those in life-threatening situations receive priority." She also said that if a patient requires immediate surgery, that treatment is readily available. Does the minister still stand by her previous commitment?

**Hon. Mrs. Caplan:** I think the member opposite will agree that in fact our system is designed so that those requiring emergency and urgent care receive that care first.

**Mr. Eves:** Let me tell the minister some facts about another constituent of mine, a Mr. Porter. Mr. Porter is 58 years old. He has had eight heart attacks in the past 18 years. He has been hospitalized for a week at a time in North Bay Civic Hospital eight times since April 1988. He needs triple-bypass surgery. He has an aneurysm in his left ventricle. He has been on oxygen daily since October. He is on nine or 10 different types of medication a day. He had bypass surgery in 1976 and has been on a waiting list in Ontario for cardiovascular surgery since August 1988.

Would the minister agree that this is a life-threatening and critical situation? Why has Mr. Porter been on the waiting list for five months?

1420

**Hon. Mrs. Caplan:** As the member knows, what we have been attempting to do, as in the announcement of last June, is to respond to a needed increase in capacity for cardiovascular care. I have said on numerous occasions that we rely on physicians to use their very best medical judgement in determining the priority of patient need and ensuring that those requiring urgent care get that care first.

I always advise patients, if they have concerns, to contact their physicians so that those appropriate medical judgements can be made. When the member asks me a question in the House for my medical judgement, I would tell him I am not a physician.

We recognize that there has been a very large increase in the number of people recommended for this surgery and we have moved to expand

capacity across this province in the centres providing cardiac care. That is coming on stream. The registry is up and running. I believe that this will, along with the increases in capacity, help physicians to refer their patients to the most appropriate location for care.

**Mr. Eves:** Trying to pass the buck to the physicians, quite frankly, is not the answer to the problem. I do not believe a lot of the other supposed answers the minister has given us over the last several months are the answers to the problem either.

Let me just tell the minister about a few people under her system where everybody who gets immediate care gets it: Mr. Pitcher, 36 years old, father of three, died last March awaiting heart surgery. He had been on a waiting list at St. Michael's Hospital for two months. Mr. Thornton, another constituent of mine, had his surgery postponed five times before it was made available last April. He had a heart attack on the table and died three days later. In July 1988, Gordon Montgomery, 59, of Sarnia, was put on an urgent waiting list at University Hospital in London. Mr. Montgomery finally received his operation in December 1988. He was one of the lucky ones. In early October 1988, Brendan McLean, 40 years old, was told that he needed heart surgery the next day—

**Mr. Speaker:** The question.

**Mr. Eves:** He was placed 16th on an emergency surgery waiting list. He died six days later. Richard Rutter, 64, of Kingston—I can go through this whole list; I am not even halfway through it—and we end up with Mr. Coleman a few short days ago.

Are Mr. Porter and the others like him out there going to go the same route as Mr. Coleman and some of these others?

**Mr. Speaker:** Minister?

**Mr. Eves:** Or is she going to do something to correct the problem, besides saying it is the physicians' problem and they have to make the decision or these people are going to die?

**Mr. Speaker:** Order.

**Mr. Eves:** Is she going to do something as Minister of Health?

**Mr. Speaker:** Order. Will the member take his seat?

**Mr. Eves:** She told us she solved it in June—

**Mr. Speaker:** Order.

**Mr. Eves:**—when obviously she did not. What is she going to do?

**Mr. Speaker:** The member for Parry Sound—

**An hon. member:** Throw him out.

**Hon. Mrs. Caplan:** In fact, I think we have made progress. In the past, the surgical capacity has increased. We are responding.

The member might find it interesting to know that Sudbury, which has additional critical care nurses available, will be sending some of its nurses to Toronto in February to help, so that the downtown Toronto critical care nursing situation can be alleviated somewhat. As well, there are additional critical care nurses in training right now, so that will be an assist.

I can say to the member that in fact there are, and have been for the last couple of years, in excess of 5,000 coronary artery bypass surgeries performed in Ontario. We expect next year that this will significantly increase. I can tell the member that as we monitor that and increase the capacity, I believe that we will work together co-operatively with the physicians and the hospitals to ensure that we can implement this so that the patients can receive the care they need as soon as possible.

#### AUTOMOBILE INSURANCE

**Mr. D. S. Cooke:** I have a question to the Minister of Financial Institutions in regards to the insurance companies of Ontario. He will be aware that last Friday another insurance company, Prudential, announced that it will not be offering new car insurance policies to the people of Ontario. The minister will also understand that this is the fourth or fifth company that has withdrawn from the market in Ontario in the last couple of months.

What is the minister prepared to do to stop this systematic withdrawal by the private insurance companies from offering insurance to car owners in this province? If he is not prepared to offer public auto insurance, what is he prepared to do to guarantee that car insurance purchasers at least have options in the private sector?

**Hon. Mr. Elston:** The honourable gentleman should be aware that there are a sizeable number of companies offering insurance coverage to the people of Ontario, and he might want to, as he gives examples of those withdrawing, give a list of the companies which are still offering service to the public. In fact, there is a very large number: 170 or so companies is the total at this current date. I stand to be corrected, but there is not much variation between that number and the actual number which make insurance coverage available to the people in the province.

**Mr. D. S. Cooke:** It is amazing to hear cabinet minister after cabinet minister say that everything is fine in Ontario. People are dying on the operating tables in this province and insurance companies are withdrawing from the market in Ontario and his only response to this whole thing is to say, "We'll give them nine per cent increases on their rates last year" as this company is saying, "Either give us 35 to 40 per cent more or else we'll stay out of the market."

I am asking the minister what he is prepared to do to guarantee that those in Ontario, who are living under laws where it is compulsory to have car insurance, are going to have access to either reasonable rates in the private sector if he is not prepared to go the route of the public sector insurance, or if they are not prepared to do it, is the minister going to seriously consider public auto insurance in this province?

**Hon. Mr. Elston:** The honourable member is being outrageous. First of all, let me say this as an example of what happens to a company that says that it requires huge increases. There was an indication that Safeco was going to be needing, as a result of its testimony, a 53 per cent increase in its premium prices. That caused the people who were customers of Safeco to indicate that they wanted to change policies, which brought a rejoinder by the people at Safeco, who said, "We weren't really saying we needed 53 per cent. Listen, do not change your coverage."

What was asked of me by the member for Windsor-Riverside (Mr. D. S. Cooke) was, in fact, what am I going to do to make sure that there is a choice in the marketplace. I have said that in the marketplace in Ontario there are about 170-some companies offering coverage for automobile insurance.

What is also being done is that there is a public hearing so that the people in the province can be assured that the parts of the rate-making structure are put together fairly and that they will know exactly what the rate is made up of when premiums are assigned to them by their companies. I can tell the people of the province that the hearing process will continue and that it is a fair and open process, and that if private companies—and this is an unusual situation for them—want to get out of the business, then that is a private company's decision. But I have never heard the New Democratic Party before, until now, saying, "Mr. Minister, please"—

**Mr. Speaker:** Thank you. Thank you.

Interjections.

**Mr. Pouliot:** You are talking out of both sides of your mouth. If you do not have an answer, say



so. You do not have an answer. You did not have one last week; you do not have one this week.

**Mr. Speaker:** Order, the member for Lake Nipigon. Order. The member for Nipissing (Mr. Harris) is waiting to ask a question.

**Mr. Pouliot:** You will make the announcement when the election is called; you know that. You do not have the guts to get up and say it now.

**Mr. Speaker:** We will just wait, if the member for Lake Nipigon wants to waste time.

#### USE OF LOT LEVIES

**Mr. Harris:** I have a question for the Treasurer. At a meeting this weekend, school board officials from across the province were a little surprised to learn from Treasury officials that the only way lot levies would be acceptable to the government would be if the government share of education capital expenditure was reduced from 75 per cent to 60 per cent.

Trustees also felt that they were being blackmailed into a position that if they ever wanted more money or if anybody wanted more money for schools in this province: "You are not going to get it from the government. We are not going to live up to the former way of doing it. Even though the economy is expanding, we are not going to go that way. The only way you are going to get it is to support our lot levy proposal."

I would ask the Treasurer if he shares the views of his officials that were expressed this weekend or is he beginning to feel, as I do, that some of his greedy Treasury officials think their only job in life is to figure out ways to wring out more money from the unwilling taxpayer?

1430

**Hon. R. F. Nixon:** The honourable member speaks with yearning tones of the former way of doing things. The former way of doing things was to support the capital needs for elementary and secondary education to the extent of about \$78 million a year. That was flat-lined for many years. In the three years we have had the responsibility of the Treasury, this has increased to \$300 million.

In order to assist in more long-range planning, rather than the year-to-year planning that was the regimen of the previous administration, I have indicated that the budget would have at least that amount in it for the next three years. We have indicated anything but parsimony. We have indicated that we want to spend as much money as is needed to meet the requirements of the community as they are presently understood.

**Mr. Harris:** In spite of the Treasurer's election promises, he has cut the education operating share from the former way of doing it, at 48 per cent, to under 44 per cent now. Now he wants to cut the provincial capital share from 75 per cent to 60 per cent.

I want to get this straight; I want to be fair to him. As I understand it, what he is proposing is that a lot levy on new lots that will increase house prices, say, \$5,000 to \$10,000—pick a figure, whichever it ends up as—would represent, say, one to two per cent of the housing total. But he will increase the housing affordability problem on all the homes because all homes will go up.

I want to understand what he is really proposing. He is proposing to increase the housing affordability problem on all homes by getting some revenue on to the municipality, which it will have to pay instead of the government, on only one or two per cent of the homes out there. I want to understand—

**Mr. Speaker:** Order. Thank you.

**Mr. Harris:** Is that what it is and does that make sense to him—

**Mr. Speaker:** Order. The question has been asked. Will the member take his seat.

**Hon. R. F. Nixon:** Mr. Speaker, I am sure that you, unlike the honourable member asking the question, have read the proposals in the policy paper, which as well as proposing lot levies as one of the alternatives, also refers to other alternatives.

We are proposing a special loan fund based on capital from the Canada pension plan for certain of the municipalities. We are also proposing an amendment to the appropriate legislation that would permit school boards to enter into agreements with developers whereby lot levies and other special funding would be unnecessary if the developers themselves were to undertake the cost of building schools up to the specifications.

We are trying to put forward an array of alternatives that will mean the taxpayers of the province, in spending the \$300 million a year—who knows, it may be more in the future and we expect it might very well be—are going to get the kind of quality school building the community has demanded, and really deserved, so that the quality of education is going to be able to improve under the leadership given by my colleague the minister.

#### LITERACY PROGRAMS

**Mr. Faubert:** My question is to the Minister of Skills Development. The minister will be

aware of the survey that was commissioned by Southam Inc., which indicated that 24 per cent of Ontario adults are functionally illiterate. I am sure the minister knows that this means 1.2 million people in this province lack the equivalent of a grade 9 education, denying them the ability to participate fully in many day-to-day activities that most in our society take for granted.

There has been an increased focus on illiteracy from both the provincial and federal orders of government, and we have all been informed about the increased funds the minister's ministry has provided to the community literacy groups this year, for which I congratulate him and his ministry. Can the minister assure this House that this funding is sufficient to meet the challenge of adequately addressing and eliminating illiteracy in Ontario?

**Hon. Mr. Curling:** I welcome the question from the honourable member. In response to the last part of his question, whether I feel these are adequate funds to meet the challenge of illiteracy in this province, I would say no. But I hasten to say that this ministry and this government have been able to get various people in the community, such as the labour unions, businesses and other governments, to pay attention to this very serious situation we have here in Ontario. As a matter of fact, it is more than Ontario; it is widespread. Adult illiteracy is at a rate of about 24 per cent.

This year this government, through my ministry, has spent \$40 million in regard to the literacy program. Other ministries have spent an additional \$10 million towards fighting illiteracy. Further, we have been able to fund 20 francophone groups in the province and a further 24 native literacy programs. Again, I say this is not sufficient in itself to eradicate illiteracy.

**Mr. Faubert:** The minister will be aware of the \$110-million literacy announcement made by the Prime Minister last September. This has created a federal-provincial partnership to alleviate the problem of illiteracy. Is this new federal partnership on literacy encouraging news for the minister's provincial planning in this field?

**Mr. Runciman:** Who wrote that for you?

**Hon. Mr. Curling:** I again welcome that question. I can hear the member from the third party asking who wrote that question. I am glad the third party is paying attention. The federal government itself has put \$110 million towards literacy to be spread over five years, and in a comparative way, the provincial government has put \$100 million in over two years.

I am encouraged the federal government is now paying attention and I welcome that amount of money. I hope, though, that in the future more money will be put into this very, very serious problem we have in combating illiteracy. The year 1990 is the International Year of Literacy, and I seek the support of my party and all my colleagues on the opposite side. I seek the support of the federal government in not only looking at \$110 million for five years, but also in arresting the problem of illiteracy in this country and this province.

## COURT SYSTEM

**Mr. Hampton:** My question is for the Attorney General. Last week, at the annual opening of the courts, the Chief Justice of the province stated that 282 accused criminals walked free from Ontario courts because of unreasonable delays in the prosecution of their cases. He further stated that the Attorney General's intransigence in dealing with the problem of the shortage of judges is bringing the administration of justice in Ontario into disrepute.

What is the Attorney General going to do about this serious situation, or does he still insist, as he did a few short weeks ago, that it is not a serious situation?

**Hon. Mr. Scott:** I think it is important to have the situation in perspective. Court is conducted every day in Ontario in hundreds of courtrooms at 240 locations and it is presided over by 450 judges, which is one of the highest ratios of judges to population in the western world.

Thousands of cases are dealt with in Ontario every week, and as the Chief Justice's own figures revealed last week, court lists on the civil and criminal side are in order in almost all those courtrooms all across Ontario. We have six problem areas, six problem municipalities, in the provincial court (criminal division) and one in the district court. They are all in the bedroom municipalities adjacent to Metropolitan Toronto.

1440

As I said last Friday to the loud applause of the Leader of the Opposition (Mr. B. Rae), who was present, the chief judge and I have grappled with this problem and have set up, as I announced to the House the other day, a number of projects to deal with it. I am confident that with good management, which is a co-operative exercise between an independent bench and the government, this situation can be addressed.

**Mr. Hampton:** It never ceases to amaze me that the Attorney General always tries to miss the



question. The question was not about how many judges we have in total in Ontario. It was about the provincial court (criminal division), where 282 accused criminals walked free last year. Furthermore, even where he has put in his trial co-ordinator system in Ottawa, it has only reduced the backlog from 14 months to 12 months. Is that what he calls progress?

Finally, he says it only involves the bedroom suburbs of Toronto. Sixty per cent of the people in Ontario live in Metro Toronto or the surrounding suburbs. Sixty per cent of the people in Ontario are not getting the kind of justice they deserve. What is he going to do?

**Mr. Speaker:** That is two questions.

**Hon. Mr. Scott:** I am as troubled as I was on Friday by the expression "accused criminals." The persons who are referred to were acquitted by the court and I am not prepared to determine, in the face of that acquittal, that they were criminals. We have had some difficulty grappling with the Chief Justice's figures. It is not apparent where they came from and I am not able to give an assessment of them.

**Mr. B. Rae:** He does not know what he is talking about? Come on.

**Hon. Mr. Scott:** No, I did not say that at all. I did not say that for a minute and would not dare say it. What I do want to emphasize to the honourable member is that something like 10 million separate charges are laid in Ontario every year and dealt with. We have a justice system, as the judges recognized on Friday, of which we can be very proud. What we have to do to make it operate efficiently is to manage it co-operatively. This Attorney General does not decide whether courts sit in the summer or at night, or begin at nine o'clock or 10 o'clock. Those decisions are made, as they should be, by an independent judiciary.

As Chief Judge Hayes and I have concluded, this resolution, this approach to co-operative management, is important. It is being undertaken with considerable success in the six areas mentioned—

**Mr. Speaker:** Thank you. New question.

#### AUTOMOBILE INSURANCE

**Mr. Runciman:** I have a question for the Minister of Financial Institutions. As he knows, the Ontario Automobile Insurance Board hearings are slated to wrap up this Friday. He has been giving us the impression that he is being kept well informed on the happenings at the board. I assume Mr. Kruger is keeping in close

touch with him or his officials. I wonder if he can give us a rough idea of how many presentations have been made to the board and how many of those are from outside the Metropolitan Toronto area.

I do not know if the minister was able to hear that, Mr. Speaker.

**Mr. Speaker:** Order.

**Hon. Mr. Elston:** I will give the exact number of presentations to the honourable member tomorrow. I will get an up-to-date tally for him and advise him personally.

**Mr. Runciman:** We attempted to obtain the information earlier, especially in respect to the people from outside the area, but the reality is that the board will be wrapping up its hearings this Friday without having set one foot outside of Metropolitan Toronto. If they truly cared about public input, if they truly cared about the different regions of this province, they would ease up on their Metro Toronto focus.

Instead, we get a lot of back-slapping in this Legislature from their own members saying what a wonderful job they are doing in eastern Ontario and what a wonderful job they are doing in northern Ontario. The reality is that they do not want to hear the views of the people of Ottawa, the people of Windsor or the people of Thunder Bay. All they apparently care about in this case, as in so many others, is Metropolitan Toronto. How can the minister justify not extending the hearings to give all concerned Ontarians a meaningful opportunity to comment?

**Hon. Mr. Elston:** The board hearings have been going on for some time now, as the honourable gentleman has indicated, and in fact the material that has been put in front of the board members has canvassed a series of issues, all dealing with items that are especially relevant to all of the people of Ontario; that is, the rates to be considered or the methodology by which rates are to be put in place for auto insurance premiums in Ontario.

The board's mandate, as it was established, was to consider in a very open and public way what rates, or in this case, ranges of rates ought to be put in place so that there is fairness in that marketplace. I can tell the honourable gentleman that their mandate extends not just to Metro Toronto, but in fact it reflects right across Ontario. I think it is very plain to all of us here in the Legislative Assembly, as individual members and as insurance purchasers ourselves, that their mandate is important to everybody in every part of the province.

Their study reflects the insurance in every part of the province. Their requirements are to examine in detail those components that make up the rate-setting structure. They will consider everything that is required to be considered from right across the province.

I can tell the honourable gentleman that he, like—

**Mr. Speaker:** Order. New question, the member for Mississauga West.

#### CHILD CARE

**Mr. Mahoney:** My question is to the Minister of Community and Social Services. In the past several months, a number of grants for new day care centres have been awarded in my riding: a grant to the West Park Day Care Centre Inc., a nonprofit centre located in an industrial park, a grant to Sheridan College which runs a nonprofit workplace centre in the Mississauga Civic Centre, and a grant to the Mississauga Young Men's Christian Association, which will open a child care centre in its complex currently under construction in the city centre area of Mississauga.

These grants are greatly appreciated, but I would like to ask the minister what he and his ministry are doing to ensure, specifically, that more workplace day care centres will be available to the families of Ontario.

**Hon. Mr. Sweeney:** The total number of workplace day care centres in the province today is approximately 50, and about 12 of those are directly operated by various ministries of government scattered across the province.

To facilitate workplace day care centres, we are doing two things. First, we provide a \$55,000 startup grant to any employer who wants to start a workplace day care centre as part of his place of employment or in association with other employers. Second, we have set up an advisory council at each of our area offices scattered around the province to provide assistance and advice to potential employers on the basis of the interpretation of the legislation, the steps they have to go through to get a licence, the design of the program they ought to offer to meet their employees' needs, and finally, the kind of funding we have learned from other experiences is required.

Given the number we have there now and given the services we are offering, there is no good reason why an employer who wants this service cannot get it.

**Mr. Mahoney:** I support the concept of workplace day care, but in today's society, with

both single mothers, and in fact single fathers out there and many people having dual career marriages involved, there seems to be a strong need for day care centres that are flexible enough not only to be in the workplace but also to respond to the demands of shift work and/or flextime.

How is the minister working with the day care community not only to ensure that day care is affordable and readily available in the workplace, but also to ensure that it is accessible to all parents who need the service at the specific times when they need it?

1450

**Hon. Mr. Sweeney:** Built into our new directions for day care in Ontario were two or three initiatives that I think respond to the particular question.

The first one is the establishment and funding of community development groups in various areas across the province. This is a group of volunteers, in most cases parents who need the service, who come together and assess the needs of their community with respect to issues like shift work, weekend work and things like that. They advise the local suppliers of day care as to what that need is. For example, in the Ottawa area there is a day care centre that operates 24 hours a day because in that particular community they decided they needed that kind of service.

The second thing we have done is to build a flexible services program into our total program. Initially, we supplied about \$10 million for that. In this current budget year, we have added almost \$3 million to that. That has resulted in about 290 projects serving well over 4,000 children. So I think we are recognizing those needs and beginning to meet those needs.

#### LANDLORDS' RESTRICTIONS ON PETS

**Mr. Philip:** I have a question for the Attorney General. On October 14 and December 14, the Toronto Humane Society sent representations, including a brief, to the Attorney General. In that brief they pointed out that as a result of pet exclusion clauses inserted by landlords, some 17 per cent of the animals they euthanize are the direct result of people having to give up their animals because of these pet exclusion clauses. This is some 10,000 animals euthanized, including the animals of senior citizens, disabled people and so forth.

Since the minister has not seen fit to even acknowledge receipt of the brief, let alone respond to it, I wonder if he would tell the House what action he intends to take. Does he intend to



amend the Landlord and Tenant Act to prohibit these exclusion clauses?

**Hon. Mr. Scott:** The problem is presented because people who have pets which they want to keep, then sign leases that have a provision in them that they cannot keep pets on the premises they are renting. Those people must decide sooner or later whether they wish to keep pets or not. If they do wish to keep pets, they should see to it that they do not sign leases in which the landlord extracts a promise on behalf of tenants, for their own benefit and the benefit of their neighbours, that they will not keep pets. That, of course, is in the end, the solution to the problem.

**Mr. Philip:** If I understand the minister's position clearly, what he is saying to all those senior citizens and disabled people is that they must choose between having their pet euthanized or having a roof over their head.

**Hon. Mr. Scott:** No, no, no.

**Mr. Philip:** That is precisely what he is saying. Where are these people going to move to?

Would the minister not agree that under the Landlord and Tenant Act, at the present time—

**Hon. Mr. Scott:** What do you do in your buildings, Ed?

**Mr. Philip:** I do not know why the minister is so upset. I sent him a Christmas gift. It was to help him in his worship services over the Christmas holidays. It was a mirror.

Why would the minister not agree to take the exclusion clauses out of the present leases, since landlords have other recourses to deal with those people who do not act responsibly as pet owners?

**Hon. Mr. Scott:** It has been perfectly clear that if tenants sign leases that do not have "no pet" clauses in them, there is no court that will evict them from the premises or, indeed, order their pets to be removed unless a pet is committing a nuisance for other tenants. If on the other hand tenants, for whatever reason, go ahead and sign leases that say, "You cannot have pets in this building," they cannot be surprised if the landlord, in his interest and that of the other tenants, insists on the performance of that lease according to its terms.

That is the present situation. Tenants in the province have to decide whether they wish to live in buildings that do not permit pets or whether they are content to live in buildings that do permit pets.

#### CONTAMINATED SOIL

**Mrs. Marland:** My question is for the Minister of the Environment. The minister is

aware of a very serious problem that we have in my riding involving lead-contaminated soil in the area of the former Exide Electronics plant and the existing Tonolli Canada plant. He also is aware that during the estimates of his ministry meeting on Thursday, November 24, I did ask him what the plans were for his ministry to meet the commitment it had made to the people in that community that the soil cleanup of the lead-contaminated soil would in fact start in the spring of 1989 and be completed by the fall of 1989. At that time, there was the response that it had to be a tripartite commitment between the municipality, the company and the ministry to pay the cost.

**Mr. Speaker:** Question?

**Mrs. Marland:** My question is: Since the city of Mississauga has passed a resolution saying it will not pay for this and has referred the matter to the regional municipality of Peel, and since the regional chairman, Frank Bean, is still waiting to hear from the ministry five months later—

**Mr. Speaker:** Order. I am sure the minister will find a question somewhere there.

**Hon. Mr. Bradley:** I was willing to let her go on with further information, because it is very useful.

The member will recall our discussions during the consideration of the spending estimates of the Ministry of the Environment in this matter, and I want to tell her that there have been conversations that have taken place between the Ministry of the Environment and the city of Mississauga at the present time at officials' level where there was a discussion of the manner in which the city of Mississauga might participate, or the regional municipality of Peel.

Members may recall the example here in Toronto, where the city very quickly and voluntarily said that it would be pleased to participate in that particular kind of cleanup. As a result, we worked quickly with the Ministry of the Environment, working with the city of Toronto and the people in the neighbourhood, to ensure that an expeditious cleanup of the properties did take place.

Those discussions have been undertaken by people within the Ministry of the Environment discussing it with the mayor's office, and I am hopeful that we will see the kind of progress the member is seeking.

**Mr. Speaker:** Thank you. I am sure the member will find some answer there to ask a supplementary about.

**Mrs. Marland:** I think what the minister has to address is the fact that his staff are not meeting

with the municipal officials, nor with the mayor's office. It has been referred out of the mayor's office to the region of Peel.

What we need to know, what the people in the community want to know, is: Regardless of the financial commitments by whomever, when is this soil cleanup going to start and when is the ministry going to deal with the region of Peel? It has nothing to do with the city of Mississauga any longer.

**Hon. Mr. Bradley:** The member would know that, just as in the case of the city of Toronto, I guess the city of Toronto could have said it had nothing to do with it and simply say that Metro should deal with it. Instead, it decided that it would be a partner in this.

In the situation in Mississauga, they may have felt that the regional municipality of Peel was the more appropriate organization to deal with this, and I think there may be a way in which the regional municipality of Peel in fact can participate and that is the nub of the discussions that have been taking place by representatives of the Ministry of the Environment and the mayor's office.

If my recollection is correct, this took place before Christmas, and obviously what has happened is that an approach has been now made, I believe by the city of Mississauga, to the regional municipality of Peel.

As would the member and the residents in the area, I hope to have this matter dealt with at the earliest opportunity.

## PETITIONS

### HIGHWAY CONSTRUCTION

**Mr. Eves:** As I indicated during members' statements, I have a petition here signed by some 3,746 residents of Ontario. It reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"To have Highway 69 widened to four full lanes from Highway 400 extension to Sudbury."

As I indicated, this petition has been signed by almost 4,000 residents of Ontario. I must congratulate Mayor Roy O'Halloran of the town of Parry Sound for introducing the initiative to get these petitions signed, and the people who are in attendance here today from Sudbury and Georgian Bay township, as well.

1500

### HOME CARE

**Mr. Brandt:** I have a petition for the Lieutenant Governor in Council and the Legisla-

tive Assembly of Ontario, signed by 38 persons from the Hamilton area, which reads in part as follows:

"We are well informed as to the services provided by homemakers to the frail, elderly, infirm, palliative and disabled persons in this community and across the province. We appeal to you to recognize the value and continued need for the services of homemakers who maintain clients in their home environment. Homemakers are not the Cinderellas of society. They are, in many cases, the primary care givers. We urge you to elevate their status and make funds available so that the homemakers can continue to perform this invaluable service to society. We feel homemakers must be given the benefits received by other health care givers, such as pension plan, sick pay, etc. and a decent hourly wage."

## AUTOMOBILE INSURANCE

**Mr. Adams:** I have a petition from a number of residents of the general Peterborough area.

"We, the undersigned, wish to protest strongly the proposed increase in auto insurance. This increase may not seem large to you, but to us, whether seniors or working parents, this hike is atrocious and totally unnecessary. Please give this your strong consideration."

## REPORT BY COMMITTEE

### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr. Neumann from the standing committee on social development reported the following resolution:

That supply in the following amount and to defray the expenses of the Ministry of Skills Development be granted to Her Majesty for the fiscal year ending March 31, 1989:

Skills development program, \$406,299,500.

## INTRODUCTION OF BILLS

### STRATHROY MIDDLESEX GENERAL HOSPITAL ACT

Mr. Reycraft moved first reading of Bill Pr80, An Act respecting Strathroy Middlesex General Hospital.

Motion agreed to.

### THE SISTERS OF SOCIAL SERVICE ACT

Ms. Collins moved first reading of Bill Pr61, An Act respecting The Sisters of Social Service.

Motion agreed to.



## MOTION TO SET ASIDE ORDINARY BUSINESS

**Mr. Speaker:** Just before orders of the day, last Thursday afternoon, I received two applications for debate under standing order 37 to discuss a matter of urgent public importance. The first notice was filed by the member for London North (Mrs. Cunningham) and the second was filed by the Leader of the Opposition (Mr. B. Rae).

As members know, according to this standing order, only one motion can be entertained during a sitting. Therefore, as the first motion was received in my office at 2:32 p.m. and the second at 3 p.m., I feel it only fair that I recognize the member for London North to move that motion.

**Mr. D. S. Cooke:** What's fair about that?

**Mrs. Cunningham:** The member is smiling; he must think it is fair.

Mrs. Cunningham moved that pursuant to standing order 37(a), the ordinary business of the House be set aside to discuss a matter of urgent public importance, that being the funding crisis for home care services in Ontario and, in particular, the imminent termination of the homemaker program offered by the Ontario Red Cross because of the present government's mismanagement, total lack of leadership and absence of planning for the future with regard to this matter, which will lead to the loss of home care services in many communities, particularly in rural Ontario, resulting in a great deal of uncertainty for seniors and disabled people who are threatened with the prospect of losing their independence.

**Mr. Speaker:** Members have heard the motion, pursuant to standing order 37(a), by the member for London North. As I indicated earlier, this motion was received in time and therefore I have to consider an order.

I will listen to the member for up to five minutes, giving reasons why this House should debate this matter. I will also listen to two representatives from the other parties for up to five minutes.

**Mrs. Cunningham:** There are many reasons why this House should enter into an emergency debate on a very important service that has been offered for literally decades in Ontario, and that is the Red Cross homemaker service.

In the last provincial election campaign, the Liberals promised the people of Ontario that, if elected, they would move to shift the health care focus of the province from an institutional to a

community-based approach. Expectations were raised and waiting lists increased.

Two years later, we witness increased frustration of health care providers unable to adequately meet the demand of the public and the growing discouragement of those in need of homemaker services that would allow them to remain in their homes rather than face unwanted institutionalization.

Specifically, the people of Ontario were promised by the Liberals in September 1987 that 28 centres providing homemaker service would be up and running in the next year. At that time, 18 centres were in place; and two years later, there are still only 18 centres providing homemaker services in this province. A recent glance at the estimates briefing report for the Ministry of Community and Social Services showed that for the next fiscal year, the government has capped homemaker centres at 18. These centres were to form the foundation for community-based health care services in Ontario. Many are now on the verge of collapsing.

We are in a state of crisis, and I think it is worth a debate in this House so that the citizens across this province will understand why we are concerned in opposition and what the Liberal government is going to do about it.

Current funds announced by the government to meet stated deficits will merely act as a temporary and precarious bandage. It is not meeting the demands.

The estimates briefing report also showed that despite the Liberal government's promises, it underspent this fiscal year's estimated budget for integrated homemaker programs by \$5 million. We wonder about the true commitment on behalf of this government to a very important program, one that should have a vision and a plan for the province.

This debate is called to discuss the Liberal government's failure to adequately address the needs of Ontario seniors and disabled and maintain its commitment to a community-oriented health care system.

This lack of planning and leadership is also accompanied by flagrant mismanagement on the part of the government, further eroding the future viability of community-based health care services in this province. Homemaker programs have not been adequately administered, but the fault lies with the government itself, not the program providers.

A government interministerial report on integrated homemaker services found that the government failed to adequately administer and

manage these programs. This report was released some eight months ago, and as yet the government has failed to move on any of the recommendations which are crucial to the future viability of homemaker services.

Many of the recommendations are for the establishment of a rate-setting process. This is a management process, one that this government is responsible for. Currently, the rate reviews for programs are a sloppy process with no formal structure in place. The Liberal government has not required budgets to be submitted for review—if one could imagine such a step—and has failed to approve increases to budgets which are above the level of inflation. With no review, how can the government adequately assess the needs of the programs and future demands? We would very much invite the government this afternoon to tell us about its processes, whether they are working and whether it too is concerned about them.

**1510**

The interministerial report further states that when a budget is submitted little attention is paid to the needs of the client—the people who were here, to support programs for the people who are paying the taxes in this particular province. The special demands of service delivery are not adequately addressed or the real costs to the organization in providing the homemaker services.

The Liberal government has failed to look at the true cost of delivering these services. That is the responsibility of the government, not the service provider. It is our responsibility to check out programs, to make sure they are working and to fund them accordingly. That is the role of government. While accusing the Canadian Red Cross Society of poor administration, the honourable minister fails to understand what components make up the administrative cost. The Red Cross, because of the insufficient number of service providers employed, is now sending staff out to three different locations a day.

**Mr. Allen:** The homemaker services of Ontario were in crisis two years ago and at that time the government bailed them out, covered their deficits and established an interministerial committee to bring in a report examining the circumstances of the homemaking services in Ontario and in the meantime undertook to establish integrated homemaker services.

There was a crisis two years ago; now we have another bailout. Nothing has been done to follow up the report that was finished a year ago and circulated to all the homemaking services in

Ontario. Good feedback came to the minister. The minister in fact has known for two years what the proportions of this problem are.

The fact that nothing has been done to address the fundamental issues raised by the interministerial report constitutes the crisis today. The fact that the minister responded to the deficits once more is an indication that a crisis not only exists and continues to exist but has really not been touched. The interministerial report said flat out that the central issue for the provision of homemaker services today was the provision of adequate wages somewhat above the average of \$5.60 per hour that homemakers make.

In order to maintain workers in the field to keep the service operational so that the clients of the service—whom we all recognize as being very needy with respect to the service—would in fact be served, what the minister has done and what the government did on Friday afternoon to bail out the Red Cross and several of the other homemaking services does nothing to address that question.

The problem for the clients has been the revolving door of service that has smitten homemaker service after homemaker service across the province, as retirement rates from the service have grown 20 per cent in some places right through to about 120 per cent in another, meaning that continuity of delivery has been impossible, the satisfaction that clients receive from being attended by someone they know is gone and homemaker services have to feed training dollars after training dollars to retrain new homemakers in their service.

In order to try to make ends meet, those agencies have tried to spread their homemakers more thinly, but that has meant more travel and therefore more travel costs, which the minister does not cover and which are only covered by some of the homemaker agencies. Indeed, there are homemaker agencies out there that do not cover the travel costs, and the individual homemaker has to cover those costs. There have been escalating costs of that kind in terms of compensation and in terms of long-distance telephone communication, which is necessary in order to keep people in the field in operation, that are quite outside the control of the agencies.

By simply covering the deficit, the minister and the government are in fact not addressing any of those issues. They are simply addressing, if you like, the status quo antebellum, the state of affairs before the real war broke out this afternoon when we met 500 homemakers on the



front steps of this Legislature, a most unusual event.

When 500 homemakers, who normally do not kick up their heels in protest, finally resort to the desperate expedient of coming to the front steps of this place to tell us how serious their situation is, they are the best people to tell us whether there is a crisis. Any words in embellishment of any of their arguments on the part of myself or the member who just spoke do not paint, in any respect, the colourful case they can give us.

They tell us about the time they have spent on the job. They tell us about the training they have undertaken. They tell us about the care they give to the persons they serve. They tell us about the extreme dependence of those persons and how much they need that care. They also tell us how much they save the government, and it is extraordinary what the difference is.

Therefore, it seems to me that even on the basis of financing alone there is a crisis, because money is being spent which should not be being spent and which the government could be relieved of by providing economical and straightforward home care service as necessary.

**Hon. Mr. Conway:** I want, on behalf of the government, to speak to the motion standing in the name of the honourable member for London North, who it appears has had a very busy weekend, what with her drafting of emergency motions and her widely reported sermon in the Stratford Central United Church yesterday.

I just want to say to the honourable member and to her colleagues on the opposition benches that it seems to us in the government that the steps taken last week by the Minister of Community and Social Services (Mr. Sweeney) on behalf of this government indicate the willingness of the Peterson government to continue to address the very real needs and concerns which have been identified by the Red Cross and by others in the community.

I suppose, as the government moved last week to address the specific issue that was of concern to the Red Cross, we could presumably argue that this debate ought not to take place. But I recognize the interest of the honourable members opposite to press the government on the additional issues which have to be considered and addressed, and I welcome, quite frankly, the opportunity to spend an afternoon in this Legislature to welcome those from the homemaker community who I know are in the area today, watching perhaps, after the very interesting speeches made by the member for Sarnia (Mr. Brandt) and the member for York South

earlier today, and tell them that we as a government do not see there is any lack of leadership. Quite to the contrary.

Our colleague the Minister of Community and Social Services has over the last three years and some months moved, I think with expedition and with effect, to address many if not all of the concerns in the community. I would be the first to say, and I know my friend the member for Kitchener-Wilmot (Mr. Sweeney) will agree with me, that of course more remains to be done. When we have addressed all the needs in the community in this and other matters, then we will know we have been transported to another place.

I say to my friend the member for London North when she says that there is a lack of leadership, that there is a crisis, that is not a view I share. I appreciate her concern. I point to the very considerable improvements this government has made over the last number of years. I want to speak personally for a moment, because the motion standing in the name of the member for London North draws our particular attention to the situation in rural Ontario.

I say to my friends the member for London North and the member for Hamilton West (Mr. Allen) that I represent one of the most rural constituencies in this province and I can say without fear of contradiction that over the last number of years, because of the kind of leadership the government has shown and the minister has exhibited, the conditions in rural Ontario have improved significantly.

Throughout the course of my Christmas visits in the Ottawa Valley, the Red Cross came to see me to indicate that it wanted the deficit question addressed. I told them then what the minister has indicated throughout the piece, that while we were very anxious to work with those who provide the homemaker services, including the Red Cross, to look at the deficit question, we were willing to admit that there were a variety of other issues that had to be addressed at the same time.

**1520**

To be sure, the opposition points out that the answer is simply to increase the funding. As the Minister of Community and Social Services will point out shortly, we have made significant improvements in the enrichment of homemaker services over the last number of years. When the government committed millions of dollars just some months ago to the integrated homemaker program, that was new funding for a new program. I believe—and the minister can correct me—that this year we will be spending something



in the neighbourhood of \$40 million for that relatively new program.

Of course, the demand that we have identified has been very significant indeed, and we intend to work with the very valuable providers of the homemaker services. I would be the first to say that, in my communities, the Red Cross plays an enormously important role in the provision of these homemaker services. They are not the exclusive delivery agent, but we recognize the enormous contribution they have made, and we intend, as a government, to continue to work with those providers.

I want to say on behalf of rural Ontario and on behalf of this government that under the leadership of the Premier (Mr. Peterson) and the member for Kitchener-Wilmot, we believe our record is good and our commitment is strong, and we consider the prospect for future advancement to be very positive indeed. We do not share the view that there is a crisis or, certainly, that there is any lack of leadership.

**Mr. Speaker:** We have now dealt with the motion of the member for London North under standing order 37(a), (b) and (c). We come to 37(d), and it appears from the comments made that members wish the debate to proceed. However, according to the standing order, I must put the question. Shall the debate proceed?

Agreed to.

**Mr. Speaker:** I remind all members who wish to participate that they may take up to 10 minutes. The debate will continue until we have run out of speakers or the clock strikes six. The member for London North, for up to 10 minutes.

#### HOME CARE

**Mrs. Cunningham:** I found the government House leader's statements most interesting. I suggest his statement that many if not all of the concerns about the needs of the community have been or are very closely being met by this government is most interesting.

Certainly, one of the real needs of the community of the province of Ontario has a lot to do with taking care of people who are not able to care for themselves. We have been told over the last few months that the cost of health care in this province is out of control and spiralling. The government has also told the hospitals and people in charge of the delivery of medical services that they had better be very careful with their budgets. At the same time, we have seen waiting lists for different surgeries and for hospital beds on the rise—long lists.

We have been told that community-based health care services are what this government will support. At the same time, we see in the nursing homes and homes for the aged long lists of people waiting to be admitted. We also see long lists of people waiting for some kind of respite care in this province. These are very expensive services and they are services that the people of our province are deeply in need of.

I think one of the most efficient ways of delivering service to our citizens is through a homemaker program. Therefore, we do agree with the government that it is a very important priority; it is one that is certainly fiscally the most responsible. I would think, for the citizens who would want to remain in their homes as long as they can, whether they be disabled, ill, elderly or just tired of being able to take care of themselves because of failing health and age, they would want to be home; and we should be supporting that.

Homemaker services for the elderly in rural Ontario will be especially seriously jeopardized if the province refuses to cover the Red Cross Society's \$1.1-million homemaking deficit. That was the criticism last week. I would suggest that this was the one that the government chose to listen to. In fact, they did. They met that deficit.

In doing so, they were just partially addressing the real needs of the Red Cross and of other homemaking providers across this province. The real problem, I think, for this government is to put forth a policy that it believes in, that makes good sense and that it can support, a policy that the people of the province understand.

It was this government that promised during the election of September 1987 that it would be supporting increased homemaking services. It established an interministerial committee to look at the need and to look at the kinds of expectations that would have to be met on behalf of the public, the service providers and certainly the clients.

They looked at many recommendations. We are very pleased to take the time to thank the people who had input to the committee in the establishment and the writing, finally, of the Report of the Interministerial Committee on Visiting Homemaker Services.

I would suggest that it has been almost a year that the government has looked at the recommendations of that report. Meeting the deficit was just the beginning. Taking a look at the kinds of recommendations and problems in service delivery, the challenge to this government is the other part of the picture and the one that the



Progressive Conservative Party is equally concerned about—not just throwing money, not simply increasing funding, as the government House leader suggested, and not just providing new funding for a new program.

If this program were to continue being delivered the way it is now in Ontario, it simply could not survive. We know that one of the greatest challenges in delivering this program is having people to provide the service. We have many, many dedicated providers of a home care service working across our province. They start out with wonderful expectations, they start out with wonderful energies and wonderful hopes of being able to help other people. The real problem is that we cannot keep them.

We ask them to work long hours. We pay them rotten wages. We ask them sometimes to travel long distances. We pay them mileage. We do not pay them for the total time it takes to drive to locations very far away. We accuse them of having great administrative costs. Sometimes, in some of the service areas that we have been in contact with—sometimes they have contacted us—they advise us that perhaps two people are responsible for overseeing the work of some 67 homemakers.

I would suggest that administratively, in the true sense of the word, this particular service is extremely efficient. What we are looking at is a total lack of understanding around the high cost of transportation, around the high cost of training and keeping people in the job and around the very low cost to our government with very low wages.

We should be looking seriously at this report where there are a number of recommendations around training, some seven, and where there are a number of recommendations around wages, about 10. On one that I spoke on earlier this afternoon, the rate-setting process recommendations, we are looking at some seven. Finally, we are looking at recommendations that have to do with rate structures.

This particular service has been studied to death. What this government is extremely famous for is soliciting reports, soliciting input, asking for people's advice, saying that it will be an open government, that it will ask the public and the citizens to participate in the democratic process, and then turning a deaf ear and doing nothing.

1530

I personally have the greatest admiration for the minister. I think his real problems lie in persuading some of his colleagues that if the government is going to make promises and is

going to meet the needs of the people in Ontario, especially around homemaking, thereby allowing people to remain in their homes, it is going to have to start listening.

One would never criticize for one moment this particular report. As a matter of fact, it is the government's own report. We have the Ontario Association of Visiting Homemaker Services helping us along, the Canadian Red Cross Society helping us along, the Visiting Homemakers Association (Toronto) giving good advice, the Ontario Municipal Social Services Association giving good advice, the Ontario association of home care associates giving every good piece of information it can give us, and individuals and groups such as the Community Concern Associates Ltd.

We could go on and on. The government could not get better advice. Sooner or later, it has to bite the bullet and say: "We are not going to increase the number of hospital beds. We are not making more room for the elderly and people in need in homes for the aged and municipal homes. We are not going to increase hospital costs by having people in respite care in hospitals if it is not the most efficient way of providing a service."

The only other viable way is to support a program that has been in existence for some 65 years. I think the government should be ashamed of itself for not showing leadership and saying: "This is our plan. This is what we are going to support." Surely we do not always have to wait for threats of emergency debates, threats of marches on Queen's Park, threats all the time of someone or other calling a press conference to get some action from this government.

Mr. Speaker, I thank you for the time. I hope the government members are listening. I am sure the minister will take the advice he receives this afternoon seriously.

**Mr. B. Rae:** I want to participate in this debate because this is an issue that has concerned me and members of my party for some time, perhaps particularly because there are so many members in the House who were not here during the Tory government and perhaps will not be as aware as the minister certainly is of the fact that there are many issues. Some were here for about three weeks while we had a Tory government, but that was an unreal period.

**Mr. Reyecraft:** That was enough.

**Mr. B. Rae:** That was enough, but that was a slightly bizarre time.

I am talking about the long debates we have had in this House, going back at least a decade, on this question of homemaker services, and



also, if I may say so directly to the minister, on this question of the relationship between his ministry and the Ministry of Health, in dealing with not only the question of homemaker services but also the question of service and care for the elderly generally.

I am aware of several studies that have been done internally on the relationship between the Ministry of Health and the Ministry of Community and Social Services. I think one of the really frustrating things, which one cannot get at in any detail in question period because of the nature of the beast, is the length of time it has taken this government to come to terms with some of the real institutional problems in the delivery of service and with some of the absurdities, the administrative complexity of this service that is being provided and the cost that imposes on all the agencies.

If I can just mention one example, it is not widely known, but it should be, that the Red Cross has to negotiate well over 200 separate contracts and separate rates with separate municipalities and areas in providing for home care on an annual basis. It makes absolutely no sense for there to be so many incredibly diverse rates, ways of doing things, ways of administering these contracts.

It would be far better and far simpler and would make so much more sense if there was one central contract, if you will, between the government of Ontario and the agencies providing for homemaker services and if the per diem rates and the per hour rates that were paid were negotiated on an across-the-board basis.

The leader of the third party said it was the question he asked on Thursday that caused the minister to come up with the money on Friday. I suppose I could claim it was the press conference I held on Friday morning that caused the minister to do his thing on Friday afternoon. Whenever I hear of those claims, I am always reminded of the person who thinks he caused the beginning of the hockey game because he joined in the singing of the national anthem.

I have no idea what caused the minister to change his mind or what battles took place within the government over the last week about whether to provide funding for these deficits. What I do know is that as I sat and watched questions from my colleague the member for Hamilton West and others during the last week, I could not figure out what the Liberal Party was gaining from failing to deliver on something for the Red Cross. I was asking my colleagues: "Where is the political advantage in being seen to be stingy with the Red

Cross of Ontario? Is there something that's gone on here that I don't understand?"

I still cannot figure it out, but what I think needs to be said and emphasized is that there is a profound structural problem with the delivery of home care and with the delivery of care at home generally. I think the explanation has to be that home care has been the weak poor cousin of the social service-health care system. That is the essential problem. The essential structural problem we are dealing with is that health care and the social service component of health care, and that is really what this is, has always been seen as essentially an institutional system. Anything that takes place apart from that has been very much an add-on and very much a weaker sister in the system.

That problem was true when I got here in 1982. One of the first things we did in my party was to start a task force looking at care for the elderly across the province. It was an education for me as a member of that task force—my colleague the member for Windsor-Riverside (Mr. D. S. Cooke) was also a member of the task force—as we travelled across the province and listened to the problems endemic to Tory Ontario, as it then was, in the delivery of care at home.

We found there was no central piece of legislation that covered overall care at home. There was legislation on home care, legislation on visiting homemakers, but nothing on all those people who needed care and were not getting care. Now this government has improvised and created what it calls the integrated homemaker program, which was a build-on to what the Tories were already doing when Frank Drea and Larry Grossman were the Minister of Community and Social Services and the Minister of Health respectively.

I think it must be said that we really have not seen the administrative, the power change in the system of delivering care at home that needs to accompany the kinds of policy changes that are being talked about in the interministerial report. The interministerial report talks about wages, working conditions and training, and it also talks about the administration of the service. In each one of those areas this government simply has not moved.

The minister will say, as I know he will, "Look, when I took over in 1985 there was no money in the integrated homemaker program. Now, there is"—well, there was supposed to be \$43 million but there is only \$40 million because we had the Treasurer's (Mr. R. F. Nixon)



cutback of September. "That money is there and it is new money." He will also say, and if he will not I will say it for him, "The home care program in 1985 was spending a little over \$150 million and now it is spending upwards of \$285 million."

So it is obviously an area that has expanded, but it has expanded because the demand for the service has expanded. It has not expanded because the quality of delivery of the service has improved dramatically.

One of the ironies of the minister's announcement on Friday is that the announcement will not increase the wages of a single homemaker in this province, because what is it designed to do? The announcement on Friday is designed simply to cover the operating shortfall that is built into the budget of the Red Cross of Ontario for this past year.

In talking it over with the Red Cross people on Friday morning before our press conference, it became very clear that as much as they might like to see a higher wage structure, they are simply not in a position to do it. All they are doing is passing on the money they get from the government, as well, of course, as providing supervisory and administrative help for those people. That, again, is a bone of contention between the Red Cross and the minister because of the things he and others have said about the efficiency of the administrative overhead and the supervisory costs involved in delivering the service.

1540

My approach would be this: If the government is going to have a Minister without Portfolio responsible for senior citizens' affairs, it should give the minister for seniors something to do. It should give the minister for seniors a line responsibility. It should let the minister for seniors take responsibility for nursing homes, for homes for the aged, for the delivery of home care and give that ministry the budget to deliver services for seniors at home and in the community in a comprehensive way, instead, if I may say so, of having these turf wars between the Ministry of Health and the Ministry of Community and Social Services carry on indefinitely and homemaker services provided at such a minimal, poor and inadequate level when it comes to people in the community.

My colleague the member for Windsor-Riverside was saying he had a call from somebody in his constituency who was saying that he had homemaker services for a year and that during that year he had 12 different homemakers. A homemaker is somebody who

comes into your home, somebody who has a relationship with you. It is impossible to run a fair service and a good service if you have turnover levels that high, and it is impossible to stop turnover that high until we start building in a wage structure, a reward structure, a recognition structure for those people that is worthy of the name.

It is the problem we have in hospitals, the problem we have in nursing homes, the problem we have in care at home. Unless we pay enough and unless we take the service as seriously as we take care in institutions, in hospitals, it will continue to live from year to year, from hand to mouth and will continue to deny seniors and others the care they need at home. After all, if they do not get it at home, they are going to have to go to an institution.

**Mrs. Marland:** In rising today to speak in this emergency debate about the funding crisis for home care services in Ontario, and in particular the imminent termination of the homemaker program offered by the Red Cross because of this government's mismanagement, total lack of leadership and absence of planning for the future with regard to this matter, which will lead to the loss of home care services in many communities—

**The Deputy Speaker:** Order, please.

**Hon. Mr. Sweeney:** My apologies to the member for Mississauga South, but I believe I stood but was not recognized. It is the Speaker's decision to choose.

**The Deputy Speaker:** I am sorry. I did not see you. I am being told it was the Liberals' turn to speak, was it not?

**Hon. Mr. Sweeney:** I believe the understanding is that we would make the normal rotation. Thank you, Mr. Speaker.

As our House leader has indicated, we also welcome the opportunity to participate in this debate. I believe the emergency nature of the debate that was suggested last week has been temporarily resolved, but I have no quarrel whatsoever with my colleagues in the two opposition parties who say it does not respond to the larger question.

As a matter of fact, I remind honourable members in the two opposition parties that is precisely what I said last week myself when I was responding to their several questions, that simply dealing with the deficit of the Red Cross was only the tip of the iceberg and the much larger problem with respect to home support services for the elderly and the disabled in this province was in

fact below the surface, and that we had to take cognizance of all that if we were really going to come to grips with it.

That is why I am a little bit surprised to hear the criticism today, "Oh, all you have done...." We clearly indicated last week that was the situation we were in as well as the government, and that I was in as the minister, in trying to come to grips with the much larger picture, in trying to come to grips with the recommendations of the inter-ministerial report, where we would deal not just with the deficits that have been brought to our attention, but also with the whole question of wages, with the whole question of rates, with the whole question of training, and if I may very briefly respond to the comments of the Leader of the Opposition, with the much bigger question of the role of home support and homemaker services and a whole range of community services, compared with the amount of resources we are currently allocating to the institutional side.

I want to say that I share a lot of the concerns and a lot of the support recommendations that have already been expressed. They are precisely the areas that I, as the minister, am working on at the present time, and that the Minister of Health (Mrs. Caplan) is working on at the present time.

I also want to point out that while we say that in dealing specifically with homemakers we cannot isolate just the deficit. If we are going to talk about the whole question of community supports for our elderly people and for our disabled people, then there is more to that than just homemakers. We have moved on a number of fronts to recognize that there are a number of services and a number of supports that must be made available.

We have spoken today specifically about the homemaker program and the figures have already been pointed out. Two years ago it was nothing; last year it was \$20 million; this year it is \$40 million. Those are the dollars that are actually going to be spent. That is a significant increase. I will be the first one to say that it does not meet all the needs but it would, I think, also be incorrect to say that we have not recognized certain specific needs, the need to do things in different ways, and begun to respond to those.

Let me also point out to them that we have improved a number of other home support services. The honourable members may be aware of the total range, just two years ago, of home support services other than homemakers themselves, support services that provide for relief for families, that provide for Meals on Wheels or

Wheels to Meals, that supply home maintenance programs of a whole range of sorts to elderly and disabled people; that program alone has gone from \$12 million to \$40 million just in two years.

Once again, we recognize that if we are going to assist elderly and disabled people to stay in their own homes, or to stay with their families, they need more than just homemakers' programs.

Let me point out that the home care program operated by the Ministry of Health has gone from \$195 million to \$285 million, an almost \$100-million increase, recognizing the value of trying to prevent people from going into hospitals or chronic-care facilities in the first place, and if they are in there, getting them out as quickly as possible and back into the community. A component of that program is \$53 million for homemaker services alone.

Therefore, there is a very significant recognition of the changing needs of the elderly and the changing needs of the disabled, and of the fact that there are more disabled in our communities now because they are coming out of institutions and they are not going into institutions. The advances of medical science are saving more people who would have expired otherwise and we have to provide services for them. We know, as someone has already mentioned, that the elderly population is growing at a rate of about three per cent a year and that we have to deal with that. We have to find different ways of responding to their needs.

We know from the report, *A New Agenda: Health and Social Services Strategies for Ontario's Seniors*, that my former colleague Ron Van Horne published almost two years ago now, that there were some clear recognitions of the changing nature of the elderly population. Just because people are older does not mean they are sick, and therefore we have to have an entire new geriatric way of looking at them and the Ministry of Health is doing that.

We clearly indicated that we want to expand the home support programs. We have done it with the integrated homemaker program, with the home care program, with the homemaker and nurses' services program, with the home support program. They all add up to a total budget right now of \$378 million. That is the growth just in two years from \$222 million.

That is significant new amounts of money being put into that program, but what it also recognizes is a much broader, much wider figure. For example, when we took over, it was drawn to our attention with respect to the range of



home support programs, that the government at that time was paying only 50 per cent of their costs, and these various agencies said, "We can't meet the needs with that."

**1550**

We have increased that to 70 per cent with respect to our elderly persons centres, which our older people want to be able to use if they are going to remain in their own homes instead of going into institutions. We have increased them by 50 across the province.

We have also increased their annual funding from \$15,000 to \$30,000, once again recognizing the needs of the elderly population today compared to what those needs were earlier.

Senior volunteers have been given significant increases in the stipends made available to them so they, as seniors, can help their fellow seniors.

We were told that in remote areas there are problems with transportation services, so both last year and this year in our budgets we put \$1 million in to provide for new vans across the province and for the operational costs of those vans.

All of these are recognizing the changing needs of elderly people. I would say that these resource allocation figures are one of the ways of doing that.

The honourable Leader of the Opposition said that there needs to be greater collaboration between my ministry and the Ministry of Health. That is going on at the present time.

We are currently trying to do many of the things he has just spoken about: putting together under one roof, under one umbrella, if you will—no decision is made as to what the home base is going to be—all the services for the elderly people in this province, and to a certain extent, because they require similar services, many of the services available for the disabled.

I will repeat something I said in question period: that since there is such a demand for resources for existing institutional services, particularly within the Ministry of Health, we constantly have to be trying to readjust our budgets and reallocate those budgets to meet those changes.

I want to also point out to the honourable members some of the significant increases that we have allocated within my ministry alone. When we became the government in 1985, the total budget for that range of home support services was \$7.1 million. Today, it is \$40 million. The Alzheimer's programs which we have in our communities now, which did not exist at all just two years ago, are now being

allocated \$7 million, and more will be allocated in the coming budget.

Support for our elderly persons centres, which provide an outlet and a day program and a range of options to our elderly people—who surely are not going to stay in their homes all the time; there has to be another range of homemaker programs—has gone from \$1.5 million to \$4.5 million. Every one of those programs has doubled just in the last year alone, which is a clear recognition that we do have some kind of a vision of what the range of people's needs is.

We do have some sense of commitment for allocating resources to them and we do agree that there needs to be a much more comprehensive approach to how we meet those needs, how the Ministry of Health, the Ministry of Community and Social Services, the Ministry of Transportation and the office for senior citizens' affairs, how a whole range of government ministers have to co-operate and co-ordinate their activities so that we can begin to recognize what it takes to assist elderly people and disabled people to stay in their own communities, and how we are to assist them not having to go into an institution in the first place. If they have gone into an institution and do not want to stay there and do not need to stay there, how do we assist them to move back out into the community?

It is not just the deficit; it is not just homemaker services; it is that whole range of services that we are looking ahead to solving. I want to say to my colleagues that we clearly recognize that that range of comprehensive services has to be put together. We are in the process of doing that. The announcement I made on Friday was in response to an emergency at that point in time. I recognize, as honourable speakers have already said, that the Red Cross is providing a valuable service and must be assisted to continue to provide that service.

**The Deputy Speaker:** The member's time is up.

**Hon. Mr. Sweeney:** That is all Friday's announcement was intended to do.

**The Deputy Speaker:** Before the next speaker, may I make a small explanation, please? Since the member of the third party presented that resolution when she made her speech, it was normal at that point for the member of the official opposition to then make his presentation and to end up with a member of the government party.

Once we vote on it, then what we have always done is have a normal rotation, starting with the person who made the resolution, which was the member for London North. Afterwards, the turn

should have come to a government member in the normal rotation.

Having seen no one stand up—and I am sorry if I did not see you, Minister—then I proceeded with the Leader of the Opposition. The next member should have been a member of the third party. I had it right, but I presume that members did not understand it this way. So, since you have started going the opposite direction, then maybe we shall, for the rest of the afternoon, go counterclockwise, beginning with the member for Mississauga South (Mrs. Marland).

**Mr. R. F. Johnston:** Let's just call the whole thing off.

**The Deputy Speaker:** Is there an agreement to go counterclockwise as an exception for this afternoon?

Agreed to.

**The Deputy Speaker:** Then in this case, the member for Mississauga South can make her presentation.

**Mrs. Marland:** In rising today to take part in this emergency debate, which is "to discuss a matter of urgent public importance, that being the funding crises for home care services in Ontario and, in particular, the imminent termination of the homemaker program offered by the Ontario Red Cross because of the present government's mismanagement, total lack of leadership and absence of planning for the future with regard to this matter, which will lead to the loss of home care services in many communities" across this province, I think what probably disappoints me the most about having to have this emergency debate today is the fact that the people who require homemaker services have for the last 12 months and more been traumatized by the threat of losing those services.

If there is one thing that I think this government has to deal with, apart from trying to keep its many election promises to the public of Ontario, it is the fact that the Liberal government makes marvellous campaign promises, makes even more marvellous throne speeches and even more marvellous budget announcements. When they do all this public speaking, they promise everything to everyone, but in the delivery of those promises we see a very huge void.

I think, because of the people who need homemaker services in this province, this particular issue is very sensitive to a large number of people and it has been totally mishandled by the Liberal government of today. It is very unfair when people are used, and I feel that the fact that people in Ontario have been used on this issue

alone of Red Cross homemaker services to the extent that they have shows a lack of commitment and caring by the current Liberal government of this province; the fact that indeed, until Friday, the people in this province who need homemaker services were being held to ransom.

How interesting that when we are on the eve of a full-blown demonstration here on the steps of Queen's Park today and on the eve, technically speaking, of what the Liberal government knew would be an emergency debate called for by my colleague the member for London North, on the eve of her resolution requesting that this emergency debate take place, how ironic that, like some magician's bag of tricks, suddenly the government announces the necessary funding as a lifeline to the Canadian Red Cross Society and, whoopee, here today we have the infusion of the funds so that the Red Cross homemaker service can continue.

I want to tell members that the people of Ontario will not be fooled. The people of Ontario can see through hollow promises and the people of Ontario can certainly see through the idea that they can be held to ransom to a point of elevated levels of anxiety. These people we are talking about are people who are already ill, frail, elderly, disabled. They did not need this crisis, which they have been facing psychologically with the threat of these services being removed. Every one of us in the Progressive Conservative caucus, and speaking for myself and my own constituents in Mississauga South, has been receiving very anxiety-laden telephone calls from our constituents who need these services.

1600

When you look at this interministerial committee on visiting homemaker services, a report by the Liberal government's own ministries, and you read very clearly what these recommendations are, it is hard to understand, as this report was presented to the government—I am just trying to find out when it was presented. I cannot find the date on the report—as this report was presented, I think it is fair to say, at least six months ago—I am right, June 1988, which is soon going to be seven months ago—as it is not an outside study but an internal, interministerial report and its own ministry staff have come to these conclusions, how is it that it can take the government seven months before it finally decides yes, maybe it does have enough money to bail out the Red Cross at this point?

That is what it is; it is a bailout. What we want to see on behalf of the people of Ontario—that is we, the Progressive Conservative Party of



Ontario—is some long-range planning and protection.

There are a number of recommendations in this interministerial report which must be implemented, one of the most important being an increase in wages for homemakers. Currently the homemakers earn the minimum wage or slightly more for this essential service. While I talk about what they earn, I want to tell the members that, by comparison, there are other people employed in this province who have, in a caring sense of service, a far greater responsibility to human beings.

I suggest that perhaps the Red Cross homemakers who care for people who are ill, frail, elderly or disabled have to be paid more than do people who work at McDonald's, or perhaps somebody who is a cheese cutter in a factory. We may look at what letter carriers earn. Certainly they start at \$12 to \$15 an hour. Lunchroom supervisors get \$10-plus an hour. Bell telephone installers start at \$10.50 an hour. So it does not bear too close examination to compare the fact that these Red Cross homemakers are grossly underpaid for the responsibility they have and the service they are expected to render.

No wonder the programs have a hard time keeping staff on. The Red Cross has a 75 per cent turnover in homemakers because of these low wages; wages which are determined by the Liberal government. In other words, three out of every four homemakers quit before a year is out. Consider the vast amounts of funds needed to hire new homemakers and then train them at that rate.

Integrated homemaker programs in Ontario have deteriorated to such an extent that it will take increased funds and improved planning to bring these services to the level they should be operating at. According to the National Advisory Council on Aging, home care costs about 11 per cent to 14 per cent of institutional care. By investing in homemaker services today, Ontario would significantly reduce the health care tax burden on future generations. Unless community-based services are established, Ontario's elderly and disabled will be forced into institutions. Institutional care costs at least \$100-plus per day while homemaker services, as I have said, cost an average of \$10 a day.

Given the current population trends, by the year 2030 one in four Ontarians will be a senior. With the increased demand on the health care system, there will be no hospital beds for anybody under age 65. When we look at the shortage today of nursing home beds and chronic

care beds, let alone hospital beds, we know we cannot afford not to have a homemaker service keep these people at home. It is the right of these individuals to be at home with auxiliary service for them.

While I speak about the future of seniors, and goodness knows we are all on our way there—since the day we were born, I might add—I would like to read from the Ontario Coalition of Senior Citizens' Organizations, over the signature of the co-ordinator, Cathy deLeeuw. This letter is to the Minister without Portfolio responsible for senior citizens' affairs (Mrs. Wilson). She says: "We are disappointed that you did not confirm your role as advocate for senior citizens in this province by publicly supporting the Red Cross Society. We urge you to press the Treasurer and Premier to keep their promises and make visiting homemaker services a priority for funding."

Also, the Association of Jewish Seniors said, writing to the Treasurer, "What do you intend to do, may we ask, to guarantee the viability of these essential home support programs this year and in subsequent years as the ageing population imposes higher demand?" They do not want to be warehoused in long-term facilities.

I respectfully ask the Liberal government to pay heed to the people of Ontario.

**The Deputy Speaker:** As we are going counterclockwise, the member for Scarborough West.

**Mr. R. F. Johnston:** I am happy to participate in going the wrong way around. Some people say it has been my role in my life. Being long in the political tooth has certain benefits and certain detriments.

Interjection.

**Mr. R. F. Johnston:** What was that, Corky? Sorry, I should not use those familiar terms in the House. I apologize to the member for Sudbury (Mr. Campbell) and the Deputy Speaker.

Let me say this: The minister has been around this place a while, I have been around this place a while and this issue, unfortunately, has been around this place a long while as well. It strikes me that it is important to have a debate. One could say that the immediate emergency, the immediate crisis, has been taken away by the announcement late last week that the deficits would be assumed.

This is not the first time deficits have been assumed. This is not the first time that great, venerable institution in our society, the Red Cross, has felt itself so under the gun and so inappropriately funded for what it is trying to do for some of our most needy citizens in the

province. For that reason, it is appropriate that we still consider an emergency debate in terms of the crisis they are facing and the crisis that is imminent for many older and frail people in our society who want to stay in their homes. Like many members of this House, I have family in this position, and we are always concerned about the nature of the home support services that are available.

The minister is right to give the listing of the various augmentations to service that have taken place over time and the large increases in money that have been required to meet these service changes as we try desperately, one hopes, as a society to avoid institutionalizing people before it is absolutely necessary and, in most cases, to avoid that requirement at any time in their lives so that people can lead their lives fully within the community.

When I look at what has happened over the years to the kinds of voluntary agencies in the nonprofit sector which are trying to provide support services, I wonder how they manage to keep going. It is hard enough to get volunteers at all these days. It is hard enough to get people who will come in and be board members, let alone to try to provide a basic, necessary service now, one which is replacing institutional care, and to do that at salary levels which are causing the kinds of turnovers that these agencies are finding.

I find that this government has still not got its head together around co-ordinated home care, still has not got co-ordinated legislation in place that is really required, still has not sorted out how to deal with that difficult mix between social services and health requirements for those people who are at home, still has not decided where it stands on the question of profit and nonprofit in this sector—and that is also of great concern to me—even though this is not the first crisis and this is not the first time we have had this institution and other homemaker services telling us that they may have to fold, until at the very last minute the dollars were found to bail them out. The government still does not have a plan. In fact, all they could do was to come up with a buying of time, assuming deficits now and deficits that will be imminent, but not knowing where we are going on all of this.

We have to look at two sides of this. We have to look at who is being served and then at who is doing the serving and see where the problems are. The people who are being served in the frail and elderly component and others who are trying to stay in their homes are people whose emotional needs and psychological needs are, in

many ways, as great as are their physical concerns and whose very ability to stay in the community is one which is always there as a nagging question that is hanging over them at one time or another.

## 1610

To have a situation in place where the agency that is trying to provide the services—in the case of the Red Cross, in 90 per cent of Ontario's counties, the only service agency that is providing that service—where it has attrition rates that are, on average, around 75 per cent, and there are places like Brantford where the turnover rate in 1987-88 was 86 per cent and Cornwall exceeded 100 per cent because of the colossal turnover in staff—we can go down through area after area and find that in the lowest area there is a 30 per cent turnover, but most of them are way up close to a 70 or 80 per cent turnover of staff.

You ask, "What is important to an old person who is trying to stay in his or her home?" Consistency of care. The great argument by the institutionalizers was always that what you got when you put somebody into an institution was standardized care, an expectation of what their routine would be on a given day, a certain number of people who would always be there to assist them and a certain kind of continuity.

Most of our homes for the aged at this stage are unionized and have had collective agreements now for some 20 years which have provided protection and upward mobility, in some cases, for the workers. As a result, that kind of stability of service has been there, ironically, at the same time as the preferred approach to assisting people that we have been trying to bring forward of keeping them in their homes has been a fragmented system, primarily with unorganized workers, who have not received enough money to even encourage them to stay in the field at all, and in fact with these total turnovers, in some cases, that we have seen in this last year or two.

Surely one has to say, as a government: "Whoa. Something is just dead wrong here. We have to provide some kind of assistance that will make sure that this preferred service, this least restrictive option of keeping people in their homes, this least expensive option"—it must be stated very categorically—"should be emphasized."

The cost of putting somebody into an institution these days is phenomenally higher, still, than the kind of cost we are talking about in maintaining those people in their homes. Even if we were paying good rates of \$10 or \$15 an hour for people to come into the home, or in excess of



that, they would be much, much lower than those costs that we have for institutions.

I say to the minister, who I know has had a number of other things on his plate, who has a Treasurer who is very unlikely to move on the major Transitions report by Mr. Thomson in the way that this minister would want him to do, who has found that in fact the government has made it clear to him that the Ministry of Community and Social Services is not a funding priority at this stage but that the Ministries of Health and Education are priorities above that and he will have to take a back seat to them, I know that puts him in a difficult situation as a minister, but after he has been there this long, it is incredible to me that he has not sought out the solution to the problem which has arisen again this year and that his only answer to it is his news release of January 6, talking about assuming the deficits again at this point to try to help them out of an immediate crisis situation.

It seems to me that belies two things. One, that the minister perhaps does not have the power within cabinet that his reputation with the Premier, when he gets up and talks about him as the greatest Community and Social Services minister we have ever had, would indicate. The other thing is that maybe this government has not decided what its real priority is in terms of deinstitutionalizing. Maybe it has bought in to that old Conservative ethic that you want to keep people in their homes, not because it is a preferred methodology and it can be quite expensive and needs to be done very well but because in fact it is cheap and you can exploit workers.

Let me just say that is exactly what the Conservative government did with the way it brought in assistance to people in the community, whether it was mental health assistance to people in the community or whether it was helping the retarded or whatever it might have been. It was systematic underfunding on a basis to divest its responsibility.

I just never believe that this government would want to follow in those kinds of traditions but instead would say that this kind of care is worth the price, that these kinds of people have as much right to stability of service as do people in institutions and that they will provide the bucks and the legislative framework to make sure this happens.

I do not believe we would be here having this debate today if the government had taken the action which was expected of it in terms of the rhetoric of the institutionalization that the gov-

ernment puts forward, and that we would not have this predicament of the deficits being assumed once more if it had acted. This is a statement of the failure of this government to meet the needs of its frail elderly at home while it still mouths all the rhetoric of election time.

**Mr. Keyes:** It is a privilege for me to participate in this debate for a number of reasons, but particularly so that I can respond to the words that were raised by the member for London North that we should be looking at a shift to community focus for our health care system.

That is exactly what I intend to focus on in my time this afternoon because the whole priority of this government is to create a stronger network of community programs, a network that will integrate the services in a continuum of care, promote equitable access, meet the needs of people with chronic conditions, encourage prevention and health promotion and at the same time be cost-effective.

In Ontario, we are exploring a number of innovative approaches to advance these objectives. The alternatives we are developing promote efficiency in the use of resources as well as high quality patient care. They demonstrate that good health care economics is also good medicine.

Let me make clear that we use the term "alternatives" in two senses. The first refers to alternatives to the traditional ways of paying for health services. The second refers to alternatives to institutional care.

Since coming into government, we have been expanding upon and developing six models that represent innovations in funding or service and I will just touch briefly on them. There are health service organizations, community health centres, comprehensive health organizations, home care, the hospital in the home and independent health facilities.

Time does not permit me this afternoon to elaborate on each of these six as I would like to, so I will try to merely scan the first three and cover in more depth the latter three.

Health service organizations and community health centres have evolved on parallel tracks since the early 1960s. For many years, these two alternatives to fee-for-service were considered experimental and it was not until 1982 that they were formally recognized by the ministry as legitimate and permanent parts of the health care system. This new status was reinforced in 1986 when the Premier announced a commitment to double the number of people who are served by HSOs and CHCs by 1991.

Health service organizations, which I touch on first, are interesting because currently HSO patients use about 22 per cent fewer hospital days than their counterparts outside and that is a remarkable record of productive use of health care resources. It is one reason that the ministry is actively promoting expansion of the HSO concept.

At present, Ontario's 37 HSOs are serving some 250,000 patients. In addition, the ministry is now approving capitation payments for solo physicians on a trial basis and we will convert 10 practices as pilot projects in response to requests from physicians who feel that capitation would give them greater freedom to develop health promotion concepts.

Community health centres also have proven particularly effective in reaching certain sectors of our population. They are administered by nonprofit incorporated boards and their personnel, including the physicians, are salaried staff. CHCs are organized around specific population groups having above-average rates of illness or needing better access to health care.

In all, we now have 15 CHCs in operation and a further six approved for startup. This year, for example, the ministry has allocated new funding for culturally sensitive programming in community health centres. To date, 12 CHCs have staff who are fluent in languages other than English or French and we have funded special programs to serve Southeast Asians, Portuguese-speaking, Spanish-speaking and native Canadian clients, in some of our larger cities.

Comprehensive health organizations: The ministry is now designing a proposal to adapt the health maintenance organization or the HMO concept as it is known in the United States, to the Canadian context. The comprehensive health organization would manage the complete range of primary, diagnostic, ambulatory, hospital and nursing home services as well as home care for participating individuals in a given geographic area.

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Home care, which is the fourth community health innovation I want to discuss in greater detail, provides for a variety of professional and support services in the patient's own home. The concept has gained wide acceptance among the public and health professions since the early pilot projects in the 1960s.

Home care is now available province-wide, with 38 programs in operation. Most of these programs, 29 of the 38, are run by boards of health. Others are sponsored by the Victorian

Order of Nurses, public hospitals and a regional social services department. The largest, in Metropolitan Toronto, has an autonomous board.

The Ministry of Health funds these local services fully through annual program budgets. Services provided include nursing, homemaking, physiotherapy, occupational therapy, speech pathology, social work, nutrition counselling, respiratory technologists and enterostomal therapists. The goal is to avoid or delay institutional admission, reduce the length of stay and facilitate earlier discharge from hospital or other facility.

Home care originally focused on short-term care for the acute illness. In the mid-1970s, chronic care pilot projects began, in recognition of the ageing of the population and the rising number of chronically ill patients. All of our 38 local programs now offer both acute and chronic home care.

The role of these programs is rapidly expanding. Since 1984, for example, home care has been responsible for school support services. This component provides nursing and other services in the schools, to allow the physically and mentally challenged students to integrate into the regular educational system.

Home care agencies are also administering a new homemaker program now established in several pilot areas. It provides housekeeping and similar services to allow the frail elderly and physically disabled persons to remain in their own homes. While this is a social service rather than a medically oriented program, we recognize the benefits of common-case management and the convenience of access for the client.

With the phasing in of the chronic care components and other responsibilities, the costs and utilization of home care have risen dramatically. In 1987-88, the program served a case load of over 610,000 persons, more than double the number six years earlier. During that period, expenditures more than tripled. At the same time, we are coping with demands to offer more medically complex services in the home and to provide shift rather than visiting nursing.

To give members some idea of the commitment of this government to the operation of the home care program, let me just quote a few figures. In fiscal 1984-85, the total funding for home care was \$104.5 million. In fiscal 1985-86, the first year this government took office, funding was increased to \$153.7 million. In the following year, it increased again to \$201 million. In 1987-88, home care was funded with



\$245.1 million. These substantial funding increases clearly show our government's commitment to the effective operation and provision of services under the Ontario home care program.

A fifth service I want to touch on briefly is hospital in the home, another alternative to institutionalization, which is in the early planning stages. Under this concept, the patient would receive at home the same services he would receive in hospital, such as intravenous drips, shift nursing, medical equipment, physicians' services, monitoring and treatment and 24-hour access to hospital staff. This can be seen either as an extension of the regular hospital room into the home or the expansion of our existing home care services to meet the needs of more patients.

Then there is the Independent Health Facilities Act, our final community health innovation, which is essentially a free-standing facility offering services commonly done on an outpatient basis but in hospital. This concept is based on the tremendous potential that new technology and medical expertise has to move health care into the community and permit safe, cost-effective and convenient services in nonhospital settings.

The Independent Health Facilities Act, which is to be debated in second reading this week, hopefully will enable the ministry to develop a planned, orderly, quality-assured system of community-based care. It will require all independent facilities to obtain a licence from the ministry. This will allow us, on advice from district health councils, to determine the mix of community health services across the province.

All these approaches to developing community-based health care have a common goal: to provide equitable access to effective quality care as close to home as possible. That is our government's priority and we are honouring it.

**Mr. McLean:** I am pleased to have this opportunity to say a few words on a matter that I consider to be of prime importance to the people of Simcoe East and all of Ontario. That matter is the provision of visiting homemaker services.

This program provides a critical service to the people of Ontario. It is a service in a field we cannot do without. This program assists in maintaining and strengthening family life during illness or absence of a parent or guardian. It also assists the elderly, the convalescent, the disabled and the chronically ill to remain in their own homes whenever possible.

I have always maintained and believed that a patient will recover from illness or surgery better and faster if that patient is able to remain in his or her own home. Family members and friends can assist in the recovery process by providing moral support and a certain amount of caring that does not require the expertise of a trained physician.

This program enables patients to recover at home, and that means hospital beds can be freed up for emergency or acute care patients who require them immediately. We all know about the increasing number of heart surgery delays that are occurring in Ontario. I believe part of the problem is the availability of beds. There will be more beds for these patients if the homemaker program continues and people can recover from illness and minor surgery at home.

I have been discussing this issue for some time with health care providers in my riding. I have been a great promoter of keeping people in their own homes, expanding the homes for the aged, the homes for our seniors, thereby getting people out of our chronic care units in the hospitals. I know of many hospitals that have probably one floor that is there totally for chronic care. Many of those people could be in another facility that would cost about a third of what it costs in hospitals.

It was interesting to listen to the last speaker indicate the six models since the Liberals have come to office and what they have done, their studies and reports. That is the problem I find with this government, its studies and reports. Very little action is taken.

The member went on to indicate the increased cost in the funding from 1984-85 up to 1987-88. It is very clear to me that the increase has almost doubled, from \$104 million to \$245 million—we are talking millions here—when the health care costs in the province have gone up almost \$6 billion. I say the place to put the dollars is in the homemaker programs. We should supply the services in the community. Therefore, our costs would be less in the hospitals.

I hear many of the government members saying, "All you want to do is spend more money." That is not what we want. We want the money spent more wisely and for more people to take advantage of the services that we can provide across the communities and across this province in our homes, our nursing homes, our seniors' homes, our retirement homes; better services there and in the home care program and in our Red Cross programs. Therefore, we would reduce the costs in the hospitals.

I am sure we are all familiar with the interministerial committee on visiting homemaker services, but I think this would be a good opportunity to review what it said and what it recommended. The interministerial committee on visiting homemaker services was established by the Ministry of Community and Social Services back in January 1987 to respond to critical issues which were threatening the ability of the nonprofit sector to provide homemaker services. The committee's mandate was to ensure the ongoing viability of the nonprofit visiting homemaker service system.

**1630**

When I look at some of these recommendations, the four key areas that were identified to be addressed by the committee were the training programs and resources for homemaking, low wages paid to homemakers, annual agency rate-setting processes and the homemaker policy rate structure.

The committee had recommended that the nature of the task performed by homemakers and the environment in which they work demands that adequate training be provided, and I can certainly understand that.

The committee also recommended that there be a requirement for homemakers to be trained to a provincial standard and that a task force be established to deal with the implementation issues for a training program, including funding and course content.

The committee also concluded that the purchasers of homemaking will need to support the bulk of training over the next few years and that it is important that the funding allow homemakers to continue to receive the same wages while they are being trained.

As for the same wages while they are being trained, I want to speak on that just briefly. The committee found that the pay averaged \$5.25 an hour and that there were very few benefits provided. Although travel is a requirement of the job, few agencies pay for travel time between cases. Turnover rates are high, with over 40 per cent of the agencies reporting homemaker terminations exceeding 50 per cent of their total workforce annually.

It is certainly not hard to realize why there is a 50 per cent turnover, and I know the minister is well aware of the reason.

The committee concluded that increasing homemakers' wages is the single most important factor in ensuring the ongoing viability of the visiting homemaker system. It also concluded that the purchasers have a responsibility to

intervene to raise wages to an appropriate market value.

I understand and I am quite clear that some people I know of who are receiving services and homemaker services that are worth a lot of money are getting a free service, and I maintain that those people who can afford to pay should pay their share of the cost.

The committee recommended that wages be set at a minimum of \$7 per hour, plus 20 per cent benefits, with regional variations. The committee did not provide cost estimates of this recommendation. I consider \$7 an hour to be an embarrassment. There is nobody who can live on anything under \$10 an hour today if you are a working parent and paying rent. It is impossible.

The committee also recommended that to ensure the durability of reforms to the system, the wages and benefits portion of the rate structure be excluded from annual provincial restraint guidelines for the next five years.

I believe the homemaker program of the Red Cross is one of the most important issues that is going to face this government over the next period of time. What we are seeing today with regard to health care—the problems in our hospitals and the lack of availability for people to get operations for heart problems, and not only that but for hip, knee and joint operations and what have you in the hospitals—is that we have got to make sure that health care is more care at home; less institutionalizing in the larger facilities and more care at home. It is the only way.

There were some excellent recommendations in this report, but again nothing has happened and now we have a care crisis on our hands. This is one more glaring example of a government that prefers to study issues of importance to death rather than showing leadership in solving a problem. We have only to look at waste management and our declining health care system for examples of this government's hurry-up-and-wait attitude to the issues that are confronting the people of Ontario.

The unique homemaker service must be retained in Ontario for a number of reasons that I have already mentioned, but I will mention them again in concluding my remarks.

This program provides a unique atmosphere for recovery, and I am certain that people will recover faster and better if they can stay in their familiar home surroundings rather than among strange equipment.

The homemaker service frees up hospital beds that could be and are needed for heart patients,



emergency patients and those requiring acute care.

The cost of caring for and treating patients at home must be considerably lower than if they were admitted to hospital. I urge this government to assist the Red Cross in overcoming its financial deficit so that the homemaker service will not become a thing of the past.

Once again, the increase in the health care budget over the past four years, an increase of more than \$6 billion to \$7 billion, is substantial. I say better management of the health care system, more direct care at home and better financial responsibility would help solve our problem.

**Mrs. Grier:** I welcome the opportunity to participate in this emergency debate today. I really hope that as a result of this debate, perhaps something will change.

I find emergency debates rather frustrating in that we air all the problems and there is generally agreement on both sides that there is in fact a problem and something that needs to be addressed, but we do not seem to come to any firm conclusion at the end. I really hope that having the opportunity to put on the record our feelings about this issue will lead to some change in the government's policy and to some immediate action to deal with what has become a crisis in this province.

I found myself profoundly troubled by the demonstration today, because the people I knew there—and there were a number of my constituents present—are not the kind of people who have ever taken a streetcar and come to Queen's Park and waved a banner saying "More" before in their lives. I think the very fact that these women were prepared to do that shows the desperation to which they have been pushed in their very legitimate demands for adequate remuneration for the work they do.

When they were saying "More" and when they were saying that the government had to do more, they were saying it not just on their own account but on account of their clients, because certainly in the case of the people that I know, the homemakers and the clients are very much a partnership. They have become friends. They have become familiar with each other. They know the people whom they are serving.

They were saying to us today: "Not only do we deserve adequate and better wages, but the people whom we serve deserve a consistent, sure and certain service. We don't want to have to withdraw that service because of the lack of funding."

Most of the people in the demonstration today were women and, although I do not think I have ever seen any figures, I am convinced that the vast percentage of the clients that homemakers serve are women. One cannot help but ask if it were reversed, if the workers who had been on the steps today had all been male and if the people who received all of their services had all been male, would we be expecting those people to work for \$5 an hour? I think the answer, very clearly, is no.

I want to approach the discussion this afternoon from the point of view of those workers and the clients and to ask the members to think briefly about what it means and what we are getting for that \$5 an hour for a homemaker.

Those of us who have been homemakers and who have felt rather proud of that role know that what you do being a homemaker, certainly as a wife or as a mother or as a daughter, is worth more than \$5 an hour in our economy of today.

We expect the visiting homemakers and the Red Cross homemakers to clean, to tidy, to pick up after other people, to cook, to do the laundry—probably to wash it and to iron it—to put out the garbage, to do all the kinds of regular duties that keep a home running. That is what we are asking them to do.

In addition, they do the shopping, they do the banking, they mail letters, they pay utility bills, they deal with the daily crises of a client who is not able to function on his or her own and who is not able to get out. They do that, rain, snow or heat, because they may be the only opportunity for that client to have some of those errands and some of those chores done.

In addition to doing all those tasks of a homemaker, they provide human contact for those clients. For many of them, it may in fact be the only human contact.

**1640**

Many years ago I delivered Meals on Wheels for a period. It was really very difficult because when you delivered the dinner you were sometimes the only other person that client had seen in the day. They did not want you to just leave the dinner and leave. They wanted you to have a conversation. But, of course, you had a car full of 12 other dinners and you could not stay and have that conversation. The homemakers can do that. They provide the contact, they provide the conversation and they provide the little bit of human warmth to their clients.

The clients know that on a certain day there will be the homemaker there and so things can be allowed to pile up, either things they want to say



or things they want to have done for the homemaker. They need the certainty that the homemaker will come.

The client is not always easy to deal with. It is not all sweetness and light in those situations. It is probably somebody who is under severe stress, or who may be ill or who may have some mental problems. The homemaker is frequently in a difficult home situation and still has to deal with it, all for \$5 an hour.

You do that now in Metropolitan Toronto for four hours if you are a homemaker. Then you take public transportation probably and you go to another situation and you do it all over again. You do not get paid for the time you spend travelling. In fact, because of the cutbacks in funding in some agencies in Metro, the time with each client has been cut back to three hours. So for the homemaker, you are working for more than six hours but you are being paid for only six hours and you are travelling in between. You are not even being paid for the eight hours that you were paid before the budget deficit set in.

What does it mean to the client? Who are the clients? Again, as I say, they are women in the vast majority, but frequently they are a couple—an elderly couple perhaps who have managed to care for each other and to remain in their own home. Then one reaches the stage where one can no longer care for the partner and where the partner needs more intensive care. The homemaker can provide that. The homemaker can quell the fears of the other partner about what is going to happen, about whether the partner who is “well” may have to be institutionalized as well as the ill partner, if the homemaker services are withdrawn.

Frequently, by putting a homemaker into that situation, we as a society are preventing the institutionalization of two people, not just of one person, because by the homemaker coming in, we are enabling that couple to continue to live in their own home.

If it is a single parent who finally finds herself on her own with kids and needing the care of a homemaker, the homemaker—who is often more mature than the young client being served—can provide the advice, the mothering and the support that can make all the difference in that kind of home situation.

The homemakers are friends, as I have said, of their clients. They are frequently the only linkage to the outside world. They are the contact with a whole network of other services to which the client can sometimes be plugged in. That is why this dreadful situation, where in Etobicoke we

have an 88 per cent turnover of homemakers in one year, is so disruptive to the service: it eliminates the possibility for continuity, friendship and consistency.

We heard from the minister today, in response to questions from our party, that he cannot afford to do everything and that we have been asking for increased funding for institutions and for cut-downs on waiting lists for heart surgery. Of course we have. But I do not think it is an either/or situation. We heard from the minister that he has been given increases in the budgets for other services run by his ministry, and I acknowledge that. But surely it is a question of what priorities have been placed and where homemakers have been placed in the scale of priorities that have brought us to this debate today.

If ever there was a human service of extraordinary merit, surely it was this kind of caring, very cost-effective, very communal kind of service that is being provided by homemakers. Surely the units of service derived from these agencies for every dollar spent are much greater than for the same expenditure in many other kinds of service.

It is an example of what used to happen in a caring community before we became very much of an economic community. A neighbour provided the services that home care now provides. There are no longer neighbours at home able to do that. They are all out in the job market too. Surely, if there was one thing that would show the mark of our caring as a community, it would be an enhancement of this service and the creation of core funding that would enable the agencies that provide this service to know with surety that they could continue and what their funding would be in additional years, rather than having to indulge in this perennial scrounging of more funding and more budgets at the end of every financial year.

I urge the minister to take very serious account of the remarks that have been made from all sides today. I hope that as a result of this debate we can look forward to an assured and consistent homemaker service in this province, which I am sure is something all the members of this House want to see happen.

**Mr. Beer:** It is also a pleasure for me to join in this debate this afternoon. I think the previous speaker has outlined very clearly the kinds of tasks that the homemakers must carry out. For many of us who have had the occasion, in one way or another, to deal with homemakers and talk to them about their role, the way of putting it



is that indeed they carry out so many of those services which, in effect, allow the home life to continue.

As we reach this point in this debate, we have heard a lot of facts and figures and trying to put things in context. This is very important, but I think we also need to understand that in viewing the whole system of services we want to provide to the elderly, there are a number of programs and a number of initiatives we have taken where clearly, as the minister has said, we are not meeting every and all need; we are not being able to do every single thing we would like to do. But the context is one that is positive, where real progress has been made over the last several years and where, I believe, the commitment of the government, as evidenced by the statement which the minister made last Friday, is very clear in terms of what we want to do and where we want to go.

I would like to put before the House an example in my own area, that of York region, where I believe, together with the province, the municipalities, the various community and social service organizations have tried to come together to deal with the question of services to the elderly, to deal with the issue of institutionalization, to deal with the issue of deinstitutionalization and to try to come up with a program of senior services in that region which will be efficient, affordable and sensitive to the needs of the elderly.

Two years ago, members may have heard the issue of one of the homes for the aged, Greenacres Home for the Aged, which exists in Newmarket. This was a home with, at one point, over 400 beds, run by Metro Toronto. An issue that arose was what was going to happen to that home. As we moved into a deinstitutionalization phase, how were we going to deal with the role that home had played and how were we going to find out what the needs were of our own seniors and what role that particular facility could play in the region?

One of the things that happened under the leadership of the Minister of Community and Social Services was that a working group, made up of officials from York region and from the ministry, sat down and realized fairly quickly that we were going to have to identify what the needs are we have in York region. Through the leadership of the minister, some \$80,000 has been set aside so that a comprehensive review can be made of those needs and that the actions we will then take will fit as part of a whole, because the homemaker services, the home care

program, as important and critical as they are, must fit into a larger picture of overall services.

Out of this discussion which the ministry and the region have carried on, in addition to ensuring that there would be this comprehensive survey, we also determined that we wanted to keep at least part of Greenacres for institutional care, because we recognize that even with our attempts to move more people out of institutions and, more importantly, to keep people who are not in them out of them, none the less, with the ageing of the population we are going to require a certain amount of institutional care. So we will continue with part of that facility providing special care for the elderly.

With the rest of the facility, we are moving into new areas, for example, Alzheimer's day care, the kinds of services that will bring a direct benefit not only to the senior citizen who is suffering through the problem of Alzheimer's but also to family members and others who are helping to care for that individual at home. There will be a way in which they can find some relief through using this day care centre. At the same time, we are creating smaller homes for the aged within the region so that those who will be living in them will have a real sense that they are not being put in some very large, totally impersonal institution.

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These are all part of a whole. When the new agenda was put forward by the then minister, it was stated very clearly that we could no longer continue to plan in a haphazard, ad hoc way. All of these programs were going to have to link in, one to the other. It is probably fair to say that we have been talking about many of these program for many, many years, and perhaps for far too long, but one of the things we have been trying to bring together has been a real sense of consensus as to how those programs should be run, what should be the participation of various people in terms of the funding and who should be carrying the responsibility in terms of the local municipality, the province and the individual himself or herself.

When we look at the situation we have today, we must remember that with the infusion of great sums of money over the last three years, despite some of the continuing problems, we none the less have a system that I believe is much more compassionate and sensitive to the needs of the elderly than we had only half a dozen years ago. To cite just a few figures, it might be interesting for members to recognize that something in the order of half a million people in this province are



now cared for in some form or other under the home care, homemaker and home support programs. That is compared to those who are in nursing homes, in homes for the aged, acute care and chronic care beds, where the total is somewhere in the neighbourhood of 160,000.

Clearly, the problem continues to be that those who are in institutions cost a great deal more than those who are not, and clearly, the emphasis we want to give to the programs as we develop them is to ensure that programs such as home care and homemaker services are indeed funded so they can do the best job they possibly can. I do not think anyone on the government side would argue that we want to see them paid less than a reasonable rate, so that people do not have to move on from those jobs but can remain involved and develop the kinds of relationships the previous speaker discussed.

None the less, we consider that three or four years ago this kind of program, the homemaker program, really did not exist to any meaningful extent. We consider the integrated homemaker program in particular, whereby both the Ministry of Health and the Ministry of Community and Social Services are attempting to bring together all those services so that there is, as the program's name suggests, an integrated approach. The funding for that program has risen greatly, and as was mentioned earlier, has gone from something in the order of under \$10 million to now well over \$40 million.

The other issue that then comes into how we deal with these programs is obviously a question of priority, not only within those programs offered by Community and Social Services and Health but also relative to what we want to see our priority be in terms of Community and Social Services vis-à-vis education and health care. Those decisions are always tricky, and I suppose all governments want to be able to at least move forward in some form in all of those areas of critical need.

That is not always possible to do to the extent we would like to do it, but if we look at the major areas that deal with social services, be it through the Ministry of Community and Social Services, the Ministry of Health or the Ministry of Education, we see that over the last number of years there has been a tremendous influx of money into a variety of programs.

We have to recognize, and I think as legislators speak to our people about the need to recognize that these do cost money and that they have to be paid for by tax dollars. Perhaps in order to do all the things we want to do, we have

to make a better case to the people of the province that these are worthy of support, that these are many of the things for which our tax dollars are going and that they are being well spent in that regard.

In closing, I would say that I believe we have seen a great deal of leadership from this government and from the minister. I think this debate is useful in focusing on continuing issues in the area, but much progress has been made and will continue to be made.

**Mr. Villeneuve:** It is also an honour for me to participate in this most important emergency debate on the funding of homemaker services throughout Ontario.

A little bit of background here: In eastern Ontario, there was a pilot project just before the 1987 election funding homemaker services throughout about five different counties in eastern Ontario. It was done through the Eastern Ontario Health Unit. It purchased the services of the Red Cross homemakers. I will read in part a letter I received from the Eastern Ontario Health Unit, just to set the background:

"The advisory committee of the integrated homemaker program met on November 21, 1988, where the members discussed the level of activity of that program. Basically, the integrated homemaker program was implemented in October 1987 and there was, at that time, no specific directive from the ministry as to the limit in numbers of clients to be on the program. We had, however, made some projections according to the ministry guidelines.

"The integrated homemaker program case load quickly grew as the program was aiming to meet the needs of a large eligible population"—I emphasize the word "eligible"—"so much so that when the Ministry of Community and Social Services determined retrospectively that the total case load should be 696 clients, the limit had already been exceeded.

"The case load is presently being maintained at 723 through the application of strict priority criteria. Considering our large elderly population, which in Stormont, Dundas and Glengarry is higher than the provincial average, and the limited resources available, much lower than several Ontario communities, especially with the large rural area, it would be deplorable to decrease the number of clients on the integrated homemaker program, and it would threaten the very fragile equilibrium of our elderly population."

The letter continues. That gives a bit of the background as it occurred in Stormont, Dundas



and Glengarry. The advice came from the Ministry of Community and Social Services, just prior to the September election, to go ahead on a pilot project without precise guidelines. Indeed, that occurred.

As a matter of fact, the Eastern Ontario Health Unit purchased services from the Red Cross. I read a petition in this Legislature from three eastern Ontario ridings—the riding I very proudly represent, Stormont, Dundas and Glengarry and East Grenville, the riding of Prescott-Russell, and the riding of Cornwall—signed by almost 2,400 citizens very concerned that the program may have to be discontinued.

To commend the minister, I think the \$1.1 million and the additional funding towards assisting the Red Cross in meeting its deficit is commendable. However, we must look to the future. We cannot have these senior citizens face the very real possibility of having this service discontinued to them at any time in the future, basically at the political whim of the government.

The government can only spend the money it takes from the people in the form of taxes. Thus, it is important that prudent use be made of such funds. At the same time, senior citizens are not just numbers in some tally book. They are people who have served the province and the country very well over very many years.

We cannot simply look at them and say that home health is a numbers game, a question of first come, first served. The government has implied, by establishing the home care program, that it wants to give seniors an opportunity to remain in their homes as long as possible. It should help all people with a legitimate need for assistance. That is the group of people who are being assisted, those with a legitimate need for assistance.

**1700**

I brought to the attention of the Legislature immediately after receiving the Eastern Ontario Health Unit notice that funding was being curtailed. It was brought to the Legislature here in November. Prior to that, I had received numerous letters concerning the wages that were being paid to the homemakers across Ontario. All of a sudden, the emphasis switched from wages to homemakers to the very program itself. The livelihood and the lifeline of the program were being threatened by a lack of funding.

I see the Minister of Agriculture and Food (Mr. Riddell). I have correspondence here from Town and Country Homemakers from his home town of Wingham. I see the patrons are Dr.

Stuart Smith, honorary board members Robert McKinley, Jack Riddell, MPP, Murray Gaunt, etc., who are great people, who were very concerned at what was not happening from the Liberal government in the form of funding for the support programs for our senior citizens.

I bring it to your attention, Mr. Speaker, because I think we are all pulling in the same direction. It is a matter of bringing the priorities to the right place, and certainly senior citizens in my opinion are where we must concentrate and make sure we provide assurance that their homemakers will not be suddenly removed from them.

I have received dozens of letters and I will just read one. It is signed by Mary Ann MacDonell from Alexandria and addressed to myself.

“As one of your constituents, I am asking for your help in the homemaker situation. I hear that the program is threatened. I am over 93 and have been able to stay in my own apartment with the help of a homemaker three hours, three days a week. Without her help, I would have to be in an institution. I hope you will use your influence and help us immediately.

“Sincerely,

Mary Ann MacDonell.”

Many letters like this express the very real concerns these senior citizens have, the desire they have to stay in their own homes, in their own apartments.

In the riding of Stormont, Dundas and Glengarry and many ridings across this province, these homes happen to be in a rural setting where homemakers have to travel many miles. We all know gasoline is not cheap. We all know that insuring an automobile is not cheap. These are very legitimate expenses.

As a previous speaker noted, whenever we see people who are served with Meals on Wheels—my wife happens to be one of those volunteers going out on a weekly basis—when someone walks into their home with a warm meal, indeed they want to keep that person there to speak to them, to ask them what is going on in the outside world because many of these seniors, particularly in a rural setting, do not see many people. They have a television, granted. They have a radio. They probably read the newspapers, but they do not have communications with real, live people. That is an occasion, as is the homemaker program, to bring someone into the home who can discuss things with them.

As I told members, this is a copy of the petition I presented to this Legislature several days ago. There are 2,400 names; 2,400 concerned people

and that certainly does not include those who did not have the opportunity of signing this petition as it came forth.

In summary, it is rather sad that this government saw fit, just before an election, to bring in a pilot project in eastern Ontario, a pilot project that proved to be tremendously successful, and yet there is the very threat that now there is a large majority sitting in this Legislature, they are prepared to cut it back and maybe even remove it. When politics are being played on the backs of our senior citizens, I think it is a rather sad situation we face. I am afraid there is some of that occurring in this particular case.

I cannot emphasize enough the importance of the real survival of this homemaker program. It is most important to our senior citizens throughout Ontario and I, as my colleagues, the Progressive Conservatives, will continue to watch very vigilantly to ensure the program is enriched and serves those people who sincerely need and deserve it.

**Mr. Farnan:** It is my pleasure to participate in this debate on the funding of homemaker services in Ontario. Regrettably, I say to members that what we have witnessed in the past few days is indicative of a rudderless and directionless approach to government being provided by a majority Liberal government. It is rather sad, in my mind, that this is a reactive rather than a proactive government.

I want to give a couple of examples. It took a demonstration of injured workers in this building in order that the injured workers could have public hearings or extract from this Liberal government public hearings on the legislation that would affect them. There was a rally planned for today, a rally in which there were 500 homemakers, and it took the threat of this rally in order for the government to loosen the purse strings that would make this program viable.

It is a sad state in this province when politics are being played with the most needy and the most vulnerable in our society, when programs that affect injured workers and seniors are only forthcoming when these groups have to lobby and threaten the government. Is this what it takes? It is a sad situation.

The press release by the Minister of Community and Social Services to cover this and next year's deficits of the Red Cross and six other not-for-profit homemaker agencies on January 6 was indeed a welcome reprieve, but that is all it is; it is a welcome reprieve. There is no guarantee for the future.

As much as anything else, I think the role of the member for Hamilton West in raising this issue on a consistent basis proved to be extremely embarrassing to the minister and the government, and together with the rally today perhaps was very important and effective in getting some government response.

Let's look at the situation in Cambridge, because I think it reflects the situation across the province. There are 68 homemakers on staff to provide the service; 47 homemakers were hired within the period of April 1987 to March 1988, and during the same period 58 homemakers left the service, a turnover rate of 85.3 per cent. This is similar across the province. Many municipalities, I will remind the members present, in fact had turnover rates of over 100 per cent.

There are many criteria for examining and evaluating a program's effectiveness and high on the list has to be worker satisfaction. A tough job for meagre pay does not lend itself to worker satisfaction.

Is it because we do not have the money? I think not. In Cambridge, the cost per day per client for homemaker service is \$8.48. The cost of acute hospital care per day per client is \$219, I would point out one of the lowest in the province. Nevertheless, the difference between the homemaker and the acute care obviously is tremendously significant. The homemaker program is the obvious preferred option, but it should be done properly.

The key to an effective homemaker program lies in the time and training given to homemakers and in the working conditions in which these homemakers will carry out their tasks. If there are reasonable, fair and equitable standards of employment, you will have a satisfied cadre of employees.

## 1710

There is ample evidence that the consistent turnover of homemaker staff is destabilizing, and a quality service with stable staffing demands a fair wage for homemakers. Five dollars and 25 cents an hour does not constitute a fair standard of wage. Five dollars and 25 cents an hour with few benefits, having to travel from one part of the city to another with travel time not included in your working hour does not constitute fairness.

Certainly the government can say, "Isn't it marvellous that we're providing this program so cheaply?" But on whose back is the government providing it so cheaply? The dedicated homemakers, who go and clean, who are friends to the seniors, who bring the community into their home or apartment, these are the people on



whose backs the government is providing this service.

The committee recommended \$7 an hour. For the work they do, the essential work they do, and the dollars they are saving this government in terms of institutionalization, it is far too little. They deserve more. It is sad that this government puts a price on their services that is so low and, in my view, so demeaning.

It is the Liberal dilemma. They have some options with institutionalization and home care. They do not know what to do, so they do both poorly. It is not good enough in this House and across the province to be giving lipservice to the homemaker program, because the government's words are not believable. This government is not believable when it says, "We have an emphasis, we have a direction for homemaker services," because if what it is producing is a homemaker service built on the foundations of \$5.25 an hour, that is disgusting. Would members want their mother, their father, their son or daughter to be providing this kind of essential service for \$5.25 an hour? I think not. Yet this is the vehicle by which the government is going to deliver this service, a very important program, to meet the needs of seniors of this province.

In summary, I think New Democrats have very clearly identified our priority. We believe there is a choice to be made between the homemaker service and institutionalized service, but unlike the Liberals we do not believe in delivering a poor quality service. We do not believe in delivering a service on the backs of the working poor. This Liberal government, when it addresses the homemakers of this province, is talking about the working poor. If it wants to hold its head with any kind of dignity, if it wants to deliver a service of quality and stability to our seniors and wants to recognize the significance of the work being done by the homemakers of this province, it will say to itself, "Five dollars and 25 cents an hour is simply not good enough." How the minister can look at himself in the mirror as a progressive agent of government is beyond me, because \$5.25 an hour for this service, in my view, is simply slavery.

**Miss Roberts:** I am pleased to be taking part in this debate today. It has given government members an opportunity to describe just how much has been done since 1985 in terms of providing more and better alternatives to seniors in this province.

I have sat patiently and listened as members of the two opposition parties have accused the government of being unresponsive, of not being

concerned about the needs of the seniors. Clearly, there are problems which must be addressed, but frankly, I think the members of the opposition are letting themselves be carried away by their own rhetoric.

I was particularly dismayed when I read the motion of the member for London North calling for this debate, which accuses this government of a lack of leadership.

This is not shown by the facts. The facts clearly indicate that the member is mistaken. It is obvious that this government has been on the leading edge of this issue of community care for seniors.

Let's just look at the record. The Minister of Community and Social Services has already spoken about this government's vision of services for seniors. He spoke about providing a range of services for seniors so that they can stay in their own homes as long as possible; and when a senior can no longer remain at home, he spoke about providing good-quality residential care that allows the individual senior to lead as full and independent a life as possible. The Minister of Community and Social Services, the Minister of Health and the Minister without Portfolio responsible for senior citizens' affairs (Mr. Mancini) have already put in place some important measures which go a long way towards making that vision a reality.

My colleagues have already spoken in great detail about just how much we have done. This government has introduced community-based programs for victims of Alzheimer's disease. In 1985, there were no such programs. Today, the integrated homemaker program is in place in 18 Ontario communities. That program did not exist in 1985.

Over the last three and a half years, this government has been identifying and working to meet long-term needs in a way that is unprecedented in this province. We have matched the vision of the future with good management of programs already in existence.

Among many things, good management means working with community agencies to keep abreast of needs and to be able to respond when necessary. Unlike past governments of Ontario, this government is responsive to community needs. When a clear need is demonstrated, this government acts.

I would like to provide members of this House with an excellent example of that responsiveness. As members know, on Friday the Minister of Community and Social Services announced that the provincial government will cover the



deficits of the homemaker programs of the Red Cross and six other not-for-profit organizations across Ontario. These organizations provide a valuable service to Ontario senior citizens.

Let me use the example of the Red Cross. For 65 years, the Red Cross has been providing homemaking services in Ontario. This organization accounts for 44 per cent of all homemaking services in Ontario. Its presence is felt especially in rural Ontario, where it accounts for 70 per cent of the total hours of service. Like many members in this Legislature, I know the wonderful job done by the Red Cross, because it operates a homemaking service in Elgin county, which is my own home riding.

For the benefit of the members of the House, I would also like to name the other six organizations which received funding in Friday's announcement. Those organizations are: the Visiting Homemakers Association of Ottawa; Town and Country Homemakers of Huron county; the Victorian Order of Nurses, Guelph-Wellington-Dufferin Branch; and three Toronto homemaking organizations, namely, the Visiting Homemakers Association (Toronto), Central Neighbourhood House and Senior Care.

When these organizations came to this government to express concern about their deficits, the government acted. I would like to give the members an idea of the chronology of events that led to Friday's announcement.

#### 1720

Late last year, the Red Cross and the six other organizations I have mentioned made it known that they were facing serious deficits in their homemaker programs. Over the last several weeks, staff for the Ministry of Community and Social Services and the Ministry of Health have been meeting to examine those organizations and their problems. Last Friday, representatives of the organizations met with the Deputy Minister of Community and Social Services and were informed that their deficit would be covered, not only for this fiscal year but for 1989-90 as well.

The estimated cost of meeting the homemaker deficits of all seven agencies for this year is \$1.8 million. All of those deficits will be covered.

In addition, the Ministry of Health, the Ministry of Community and Social Services and the homemaker agencies affected will be embarking on an operational review to examine the costs they are facing and the reasons for the deficits. The operational review will begin this month and will be completed in the spring.

I think it is important that we be clear on what is meant by the term "operational review." The government is not looking for ways to cut costs but rather the reasons for those costs and, specifically, the reasons for the deficits being faced by these agencies.

Let me give an example. The Red Cross has expressed concern that since so much of its services are provided in rural areas, its transportation costs are higher than agencies with urban case loads and are a major reason for its deficit. This government is sensitive to that concern. As a representative of a largely rural area of southwestern Ontario, I know how expensive transportation over large areas can be. We in the government are also aware that the Red Cross, in particular, has seen its involvement in urban homemaking programs decline over the past few years.

Historically, the revenue from those urban programs has helped the Red Cross fund its more costly operations in rural Ontario. The operational review will look at those kinds of issues, as well as other costs faced by the homemaker organizations.

Last week's announcement is a clear example of a concerned and responsive government in action. The announcement came just a few short weeks after the concerns had been raised by the Red Cross and two full weeks in advance of the Red Cross board of directors meeting which will be the forum for discussion about the agency's homemaker programs. This government saw a problem, evaluated it quickly, and acted. That kind of government responsiveness was unknown around this place before 1985.

Now, the opposition is making the point that addressing the deficits of the Red Cross and other organizations is not a long-term solution to serious problems facing homemaker services and the seniors they serve. We agree. It is clear that there are long-term issues that must be addressed.

The development of an integrated system of supports for our senior citizens will take a thoughtful, well-planned approach, and it will require a substantial investment of resources. It will require leadership from a government that is committed to providing the best possible supports for our senior citizens.

The government has clearly proven it has the ability to lead the way. Just as clearly, the facts show that the two opposition parties do not agree or do not have the answers.

The record of the Conservatives speaks for itself, and that is a record of inaction. That party,



when it was in government, acted only on the basis of public opinion polls and ignored the growing need for community-based services. On the other hand, the New Democrats would have us throw money at this and every other problem facing the government. This government will not sit on its hands the way the Tories did and it will not fall into the NDP trap of rushing headlong into bad decisions.

This government, the Peterson government, has every reason to be proud of the steps it has taken towards a better system of supports for senior citizens in Ontario. The evidence is there; it is there for all to see. We are proud, as a government, of the work that has been done on behalf of the seniors in Ontario.

**The Deputy Speaker:** Thank you. Do other members wish to participate?

**Mr. Runciman:** I will try to catch my breath and then try to collect my thoughts. In respect to this motion, I appreciate the opportunity to participate in the debate on a very important issue. I want to talk briefly about an experience I had in my riding during the break from the sittings of the House.

I was called by the Red Cross and asked to visit one of the constituents in my area receiving assistance through the Red Cross homemaker program. I personally spent approximately three hours in the home of a Mrs. Norma Henderson who is a multiple sclerosis victim and who has been suffering from that disease for well over 30 years. Over the last number of years, she has experienced a decreasing ability to do anything on her own, to get out of the house and to do very modest chores which all of us in this House take for granted.

Mrs. Henderson has not been suffering this battle over 30 years by herself. She has had family and friends, but perhaps most importantly, she has had her husband, Fred, who has been a tireless worker on her behalf, virtually devoting his life to assisting Norma. He ran a butcher shop in Brockville up until about 10 years ago and then his wife's illness was simply requiring so much of his time that he had to give up the business and devote every hour of his life, in essence, to the care of his good wife.

I want to tell the members that Mr. and Mrs. Henderson, despite all of the problems that have plagued the last 30-some years of their married life, have great spirit. They were a terrific couple to visit with. As I said, I ended up going there for a brief visit and stayed for close to three hours, having lunch with them and experiencing the kinds of things that they have to go through every

day in terms of the assistance that Mrs. Henderson requires. She is essentially bed-ridden, but they do have a device to remove her from the bed and allow her to get into the dining room for meals on occasion.

They do not have enough good things to say about the Red Cross homemaking service and the service Red Cross provides. The homemaker who is with them now has been with the Henderson family for about five years and has in essence become something of a member of the family. We had an opportunity with the Red Cross official present during my visit to talk about some of the problems in the program. I want to touch on those briefly.

Leeds-Grenville was selected when this program was announced a few years ago, and I am not sure of the specific date, it may have come up during—

**Mr. Villeneuve:** Just before the election.

**Mr. Runciman:** —just before the election, but I think it was broadened just before the election, to be quite precise. In any event, Leeds-Grenville was a pilot. About six months into the program, the government, when it initially announced it, also retained a consulting firm—I think it was Stevenson, Kellogg, Ernst and Whinney, but I could be incorrect on that—to do an assessment of the pilot, to look at the feasibility and the desirability of expanding the program beyond the initial pilot stage and to other areas of the province. Before the program, which was supposed to be a 12-month pilot, was six months of age, the government made a decision to expand it into something like 16 or 17 other areas across the province. That was in the midst of this assessment by Stevenson, Kellogg, Ernst and Whinney.

Obviously, all of us in this place understand why the government made that decision without waiting to assess all of the implications. It did it for purely political reasons so that it could wave the flag and say, "Look what we have done in these specific areas." I am sure that there were a great many people grateful and that perhaps it was reflected in the results of September 1987 to some degree. I am not sure.

In any event, the government was careless. They were, in my view, irresponsible with respect to how they dealt with this matter. They did not take a careful look at the implications or the program itself and whether it was meeting the needs of the people who were in real need in the province, or whether it was a case of "Throw some money at them and we will keep them happy and we will get a vote or two here," rather



than careful assessment of the situation. Indeed, that is what has happened.

1730

I was told by the Red Cross official with us of instances, when this program came out, of relatively well-to-do seniors who may have retained someone to come into their home to clean, do dishes and do various chores, who themselves were in fine health but had the financial wherewithal to retain outside assistance for a variety of reasons.

When the program was announced, these people—I am not going to be critical; the program was there—saw an opportunity to qualify in terms of the broad criteria that were made available so that they dismissed, laid off, what have you, the individuals who were working for them and brought in the Red Cross homemaking service, courtesy of the taxpayers of Ontario.

I was told by the Red Cross official that this is a frequent complaint of homemakers. When they come back to the base, they are saying: "Why am I in this person's home? Why am I doing this? He is obviously in good health, he is in good shape, he is financially sound. There is no real reason for me to be there." Of course, the reason they are there is because these people see an opportunity in terms of the program requirements and are utilizing it.

If the government had accepted the original premise and gone through with the pilot and then assessed all of the implications and the pros and cons of the program, I think we would not have been in this situation that we find ourselves in now, where the Red Cross is facing a shortfall and the government has indicated, "Look, we are prepared to cover this on a one-year basis only, but we do not know what the future holds for you in Red Cross."

I think, for a change, this government has to start taking a longer-term look at a whole host of programs that it offers. This is certainly one where I believe, certainly in my discussions at the local level, that the Red Cross is very much amenable to sitting down and taking a look at the glitches in this program and making whatever changes are necessary to ensure that it is meeting the requirements of the real needy in our society, instead of simply dipping into the Treasury when an election is approaching, going to the window and throwing it out the window and saying: "Look, folks, here is some money for you. Hopefully, this will reflect well upon us at the polls."

I think that has certainly been the approach that was taken here. I said it was irresponsible. When

we take a look at the position that the government has placed the Red Cross in as a result of its ill-thought-out initiatives, it certainly bears out the fact that it is indeed an irresponsible initiative on the government's part.

I heard a comment here today, in terms of the minister involved, that if there is one person over there on that side of the House whom we get straight answers from, for the most part, it is that particular minister. I think he has generated a great deal of respect in terms of his commitment and his ability to respond directly to questions from the opposition parties.

I hope that he is going to take a careful look at what has happened with respect to this particular initiative and make a very meaningful effort to sit down with Red Cross officials to ensure that something can be done to change the guidelines and change the way this program is applied. No doubt there are going to be some feathers ruffled in that process.

That is one of the difficulties of getting into anything: Once you find that perhaps you have gone overboard, you have misstepped and you are offering assistance in areas where assistance is not necessarily required, pulling back is politically a tough row to hoe. I think we all know that. Those of us who have been around here for a while know that once you have committed yourself, once you have stepped into these kinds of programs, it is sometimes difficult, if not in instances—I could go into a number of examples where it may be—politically impossible to extricate oneself.

In this instance—again, I have rather limited exposure to the views of the Red Cross and I am relying on the views I have heard expressed in my own riding—there is a willingness out there to co-operate in a meaningful way with the government to ensure that this program is adjusted so that it meets the very real needs. I urge the minister and the government to very carefully consider that course of action.

**Miss Martel:** It is a pleasure for me and a privilege to participate in this debate this afternoon. I must agree with my colleagues when I say it is unfortunate that things have reached the state in this province that we have to have a demonstration outside of the Legislature in order to get the government to listen and to respond.

My colleague the member for Cambridge (Mr. Farnan) was right when he said that this government is becoming reactive and not proactive. We saw the same type of thing with the injured workers' demonstrations here when the session started in October. It took a demonstra-



tion by them as well to convince the Minister of Labour (Mr. Sorbara), the government House leader and indeed the government that their concerns had to be heard.

It is unfortunate that we are at the state when it is apparent to me that the government is becoming certainly reactive. In this case it is particularly important because of the clientele we are dealing with, that is, seniors in this province and the disabled.

I guess there must be a collective sigh of relief being issued from the government side now that the bailout is in effect and the immediate crisis, at least for the Minister of Community and Social Services, is over, and the line of questioning on this side might change, at least in the short term.

But I wonder if a lesson has been learned. I go back to a comment made by the member for Elgin (Miss Roberts) who said the minister responded in about two short weeks, when this crisis became evident the minister responded, and that this government has been working towards providing community-based services, etc.

I go back to some of the letters I am sure all of us have received in the course of our time here, letters written to the Premier and to various ministers concerning the crisis in home care, which has gone on for quite some time. It is not a new phenomenon in this province. It is not the first time we have to deal with this issue, and it will not be the last time, in spite of the bailout that the minister has provided. The root problems in homemaker services, in community-based care, have not been addressed by this government.

Let me just read a few of those letters to point out that indeed it is a crisis that has been going on for a long time; it is not something new. In fact, the government has not responded with adequate solutions in the way it should have. This letter is from April 17, 1986, written to the Premier by the Ontario Association of Visiting Homemaker Services. It says:

"We are writing to you out of extreme frustration. In recent years, homemaker services have received a great deal of attention as understanding of the value of community-based support services has increased. During that time, the variety and difficulty of work handled by homemakers have increased. However, the funds required to operate these service adequately have not been made available. Attrition rates of our staff are increasing dramatically and, in many areas, our wages, which often begin at the minimum, can no longer attract even recipients of the family benefits allowance."

That is April 1986. Let's go to October 5, 1987. This letter is written by the Canadian Red Cross Society to Tim Young, chairman of the interministerial committee. It says:

"The Red Cross homemaker service in many parts of Ontario has serious financial and service-related problems. The demand for home-making service through government programs is increasing rapidly. The introduction of the integrated homemaker program in parts of Ontario has outstripped our resources and magnified problems that have existed for years. Most of these problems are directly related to inadequate funding of the service and, as a result, low wages to the homemakers and other staff. A decade or more of restraint on homemaker rates has resulted in excessive turnover, homemaker shortages, reduced level of supervision, increased training and recruitment costs, financial strain and general frustration among both staff and volunteers of the Red Cross."

Here is another one from February 12, 1988. This one is again addressed to the Premier, again from the Ontario Association of Visiting Homemaker Services. It says:

"On behalf of the Ontario Association of Visiting Homemaker Services, Ontario, I have previously written to you and several of your ministers concerning the serious problems besetting the provision of homemaking to the people of Ontario. Mr. Peterson, as we have indicated on numerous occasions, if the issues facing the provision of homemaking are not addressed within a reasonable timetable, the homemaking industry will not be able to respond to the needs of the people of Ontario."

#### 1740

One final one, and this one is from March 2, 1988, again to the Premier, and again from the Canadian Red Cross Society. They say:

"The demand for homemaking services through government programs has increased dramatically. We expect to provide 814,000 visits to 100,000 clients this fiscal year. Unfortunately, funding has not kept pace with the service demands. A decade or more of restraint on homemaker rates has resulted in excessive staff turnover, homemaker shortages and increased training costs."

I have to go back to some of the points that have been made this afternoon by the government members and say that the crisis is not new. The government has not responded adequately. The root causes of the problems have not been addressed and have not been resolved.



I guess I want to take the approach as one who has travelled with the task force. Most members in this House know that the northern New Democrats have carried out two task forces now on health care in northern Ontario. We will indeed have a third early in February. I think I really saw the problem of community-based care in those two tours.

What I saw was that although many of us here probably do have a serious commitment and a serious belief that seniors and people suffering from mental illness should be kept at home in their communities and cared for there, what we as members found on the tour was that the resources were not in place to provide this. The government talked a good line. There was lots of rhetoric about the need for community-based care, but the bottom line was that the resources were not there. The people could not be hired. The staff that was there did not receive adequate remuneration and, as a result, they were leaving in droves.

They were committed to helping people, but the bottom line was that they could no longer afford to stay in that position, because they could not afford to feed their families. That was a decision they had to make. It was a tough decision, because most of them—in fact, all of them—were extremely committed to the clientele they were serving and the job they were trying to do for the residents they were trying to serve.

Let me go back to just one example. The director of the Red Cross society who worked out of Fort Frances came to see us to talk about the problems that the homemakers, through the Red Cross and the service they were providing, were having. In Fort Frances, the maximum wage for homemakers is \$6.02 an hour. The only benefit provided is that the employer pays 50 per cent of the Canada pension plan.

The homemakers there service a large rural population, a farming population. They do not receive any travel allowance. They do not receive any expense allowance for meals while they are out on the road. One woman who had worked there had 18 years of seniority and was at the maximum allowance. That is all she was making, \$6.02 an hour.

I have to ask the minister, is this seriously, in the province of Ontario, what we consider a living wage? How does the government expect to attract and maintain committed personnel when it is dealing with those kinds of wages? It is not going to happen.

What we saw were large numbers of people very committed to what they were doing,

extremely committed, because they recognized the value of the work they were doing, but by the same token, their value was not being recognized in society. That hurt them. It depressed them no end to know that their value was not great in Ontario's society, that the work they were doing on behalf of some of the most needy people in Ontario was not being recognized and was not being adequately compensated.

I think the result of all this is that this government has to come to terms with the fact that while it talks a good line about community-based care for seniors, as I have said, for people who are suffering from mental health problems, the bottom line is that the care is not there. People are being forced into institutions, where the quality of care and the expense of that care is very costly.

What we saw, in particular in northwestern Ontario, because none of those resources were on the ground, were large numbers of seniors, large numbers of people with psychiatric problems having to be moved to Thunder Bay, either to go to Lakehead Psychiatric Hospital or to go into homes for the aged there.

While we have gone over the initial crisis today and the bailout has occurred, this government has to make a conscious decision that if it is going to put community-based care in place, then we have to start moving towards that. Sure, we have to bite the bullet in this province and try to divert some of that money from the big institutions into community-based care. We cannot just have community-based care and not the institutions and we cannot move from one to another without making a real expansion as to what is happening on the ground. I think that is the next step the government has to look at.

**Hon. Mr. Mancini:** I am very pleased to join the rest of the members in the House today to debate the motion placed by the third party. We have heard a number of accusations in the House today, many of which are unfounded.

As the member for York North (Mr. Beer) stated earlier, planning and also leadership by this government to improve the quality of life for our province's seniors began on day one after this government assumed office more than three years ago. On day one, the Premier set this government on a course to develop "an efficient, affordable and sensitive system of caring" for our province's seniors and mandated the first minister of senior citizens' affairs in Canada to lead this government's efforts to create such a system out of the chaos that was the legacy of the very



same people who today make charges of lack of leadership and absence of planning.

The new agenda for senior services announced by this government on June 2, 1986, after a year of intensive consultation and fact-finding, filled a vacuum of leadership and planning in Ontario that had existed for decades previously.

Let me remind this House and the member for London North that in April 1986 the third party, at that time the official opposition, published a paper entitled *Care for the Elderly: Developing a More Co-ordinated and Community-Based Approach*. In that paper, the Progressive Conservative Party stated that a government that cared about seniors would spend about \$800 million on institutional care and \$85 million on community-based services.

Let me suggest to the member for London North that the seniors of Ontario did in fact evaluate the Conservative Party's concept of sensitive caring, of vision and of leadership and dismissed it and its institutionalized thinking at least twice; once in 1985 and again in 1987.

This government's vision of care for seniors in Ontario recognizes our ageing population as a great resource and not a burden. This government's vision of care for seniors in Ontario respects the dignity and self-worth of our elderly. This government's vision of care for the seniors of Ontario see seniors as people and not beds. There was \$800 million for buildings and beds and \$85 million for independence and dignity. That was the plan of the Progressive Conservative Party.

The Liberal government in Ontario has spent \$40 million this year for the integrated homemaker program in 18 sites; 75 new elderly persons centres across our province with funding increased over 300 per cent since 1985. In 1985, the government run by today's third party spent \$5.9 million on home support services. This year the Liberal government will spend \$49 million. That is a 745 per cent increase.

When the third party had the chance and a choice to do something as far as homemaker services is concerned for the elderly and for the disabled, it chose to do nothing. We have not walked away from the elderly in our homes for the aged either. This government has increased capital funding by 178 per cent in three years.

The people of Ontario, and especially Ontario's rapidly expanding seniors population, share the government's vision for the future of seniors care. The government's vision, as I see it, is one of continuous and progressive change.

We in this province wish the people in our society who require assistance to remain in their homes and obtain the necessary services. They see, as we do, a province in which senior citizens who require institutional services receive quality care in a manner that respects their dignity and self-worth, a term the members opposite could have used a great deal more this afternoon. The people of Ontario are sharing in the planning that will see our shared vision implemented.

**1750**

An important element of our vision and an important component in our joint planning is the expansion of our homemaker system. An expanded system requires as its foundation a healthy homemaker industry. We cannot, nor will we, sacrifice one to benefit the other.

We are pleased to see members of the opposition rise time and time again to support this government's vision. We will not disappoint them, or our growing seniors population or our disabled population. We will continue to carefully plan and implement our shared vision. We are committed to ensuring the highest quality service across a continuum of programs carefully crafted and responsibly funded. The seniors of Ontario have asked for no more and the government of Ontario should do no less.

If I can leave a thought or two for the people and for the seniors who may be watching this afternoon, they should note that over the past several months the Conservative Party of Ontario and its interim leader, who appears to be preparing himself for the job of permanent leader, have made as a core policy statement of their party the issue of government expenditures.

The people of Ontario should know that on a daily basis, the third party asks the ministers of this government to expand their budgets in a way that may or may not be responsible. At the same time, they and their leader canvass subway stations and areas in other communities outside Metropolitan Toronto, saying that the government should reduce the level of civil servants, that the government should reduce the level of funding.

I want to ask the people of Ontario, if they have a moment, to think about the statements that are being made by the members of the party opposite, the third party. They want us on the one hand to reduce our civil service that provides the services, to reduce the funding that is necessary so that the services can be bought, and at the same time, on a daily basis, as they rise before the cameras, they hope the people whom they



talked to a week ago are not watching when they ask the government to spend more.

We have seen this again today and I am sure we will see it again in the future. I am sure we will hear it again from the lips of the leader of the third party and the colleagues who sit behind him as time goes on in this session and in the coming spring session, that the government should not spend responsibly but should cut expenditures, and that the government should not spend responsibly but should drastically increase expenditures. Those statements made by the third party are statements that will be quoted back to it time and time again.

I notice that the House leader of the third party has just walked in. He is one of their principal spokesmen in making these statements out of both sides of his mouth on a regular basis.

The people of Ontario are too smart, too well informed to recognize this motion, which was put forward today, as anything but a motion to take up the time of the House and as anything but a public relations job for the party when day after day it accuses us of overspending.

I say to the members opposite, produce a budget. It would be wonderful to see a budget produced by the third party where we could review in an itemized way—

**Mr. Harris:** In about three years we will do it for you, Remo.

Interjections.

**Hon. Mr. Mancini:** I see I have struck a nerve. The House leader of the opposition and some of his colleagues are making some comments now that may or may not be valid or appropriate or in any way intelligent. I cannot judge because it is very difficult to hear them, but the yapping in the background I do hear.

I say to you, Mr. Speaker, and to the people who are watching, that one of the hallmarks of this government has been responsible spending and sensitive programs for the people in our province who need them.

**Mr. Pollock:** I am pleased to take part in this debate. I would like to voice my concerns about the Red Cross. I believe that the Red Cross is a very highly respected organization and has some very dedicated employees. These people provide a real service in their home care service and they are very faithful employees.

I would like to comment briefly on the riding of Hastings-Peterborough. This is a large rural riding, and people who provide home care service in that particular riding have to be really dedicated. They have to drive over many miles of road and in some cases these roads are really a

challenge. They are not exactly flat provincial highways. There are many hills there, and sometimes those hills are icy or snow-covered.

They have to do all this and provide this kind of home care service for \$5 an hour. I firmly believe that this kind of a wage is totally unacceptable and that we should be providing a higher wage for these people who do this dedicated work.

I know that seniors like to stay in their own homes and it is far cheaper to have these people live in their own homes. I happened to be in the house of a lady yesterday who was celebrating her 90th birthday. She was really pleased that the minister is going to pick up the deficit and that she will be able to keep her homemaker service and stay in her own home. I believe this was one of the best birthday presents that we could have given this particular lady.

I hope the ministry can work out its financial problems so that we do not arrive at a crisis like this again.

I would like to comment on all those people who took part in the rally at Queen's Park today. I firmly believe that it was their efforts in organizing this particular rally that actually pushed the minister and the government into picking up this deficit and keeping this vital home care service in place.

I would also like to pay tribute to the member for London North on her efforts to bring forth this emergency debate and keep this service in front of the public. Once again, I am pleased to take part in this debate and comment on this issue of great concern.

**The Acting Speaker (Mr. M. C. Ray):** There are a few more moments, if there is another speaker.

**Mr. Allen:** In making the last few remarks in this debate, let me simply say that it is quite evident that the ministry and the government have spent more money than was the case in the provincial budget three years ago on homemaker services and home care delivery. There is no question about that. Nobody will dispute budgetary statistics.

The central question is whether in fact, despite that expenditure, this system is somehow being maintained in place and is functioning adequately, and that is not the case. If we look at the front line, we see that the clients are writing to people like myself and complaining about the tremendous revolving door of homemakers who are going through their homes and upsetting them because they are simply not able to get used to



one after another and settle down with a given home care deliverer.

We have the problem that even this infusion of funds to cover deficits will put not another penny into any homemaker's pocket. The inter-ministerial report identified what we know perfectly well to be the central problem, namely, wages of homemakers. Unless we pay homemakers a wage that is at least marginally competitive in the marketplace, we are not going to keep them. So we have these incredible turnover rates that run from 20 per cent to 130 per cent, homemaker service after homemaker service.

Finally, we have the problem that the government itself has put itself in a very difficult financial corner. When I look at the fact, for example, that in a recent survey of—

**The Acting Speaker:** Time. Order, please. Would the member move adjournment of the debate?

On motion by Mr. Allen, the debate was adjourned.

**The Acting Speaker:** It is now six o'clock. I

understand the honourable member for Renfrew North has a business statement.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** I just wanted, in light of the fact that the member for London North (Mrs. Cunningham) moved an emergency debate which the House has considered this afternoon, to make a business statement for tomorrow.

Tomorrow, following question period, the orders will be the following: Bill 69, An Act to amend the Education Act; Bill 70, An Act to amend the Education Act; Bill 186, An Act to provide for the Allocation of certain Payments or Grants in lieu of Taxes made by Canada to Municipalities in respect of Lands that are Exempt from Taxation, all education bills; Bill 199, An Act to amend the Ryerson Polytechnical Institute Act and, if time permits, the continuation of the adjourned debate on Bill 4, An Act to amend the Metropolitan Toronto Police Force Complaints Act, 1984.

The House adjourned at 6:02 p.m.

#### ERRATUM

No.	Page	Column	Line	Should read:
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## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

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**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
 Cordiano, Joseph (Lawrence L)  
 Cousens, W. Donald (Markham PC)  
 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
**Edighoffer, Hon. Hugh A.**, Speaker (Perth L)  
 Elliot, R. Walter (Halton North L)  
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 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)

**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
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**Grandmaître, Hon. Bernard C.**, Minister of Revenue (Ottawa East L)  
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 Kanter, Ron (St. Andrew-St. Patrick L)  
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 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
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 LeBourdais, Linda (Etobicoke West L)  
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 McCague, George R. (Simcoe West PC)  
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 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)



Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
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 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
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 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
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 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
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 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
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 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
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**Ward, Hon. Christopher C.**, Minister of  
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**Wilson, Hon. Mavis**, Minister without Portfolio  
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 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
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\*The alphabetical list of members appears in  
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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario



**First Session, 34th Parliament**  
Tuesday, January 10, 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, January 10, 1989

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### GUS RYDER

**Mrs. Grier:** Tomorrow, January 11, is the 90th birthday of a very distinguished Ontarian. I would like to ask all members of the House to join me in saying happy birthday to Gus Ryder.

Gus is known to thousands as Mr. Swimming and to thousands of handicapped children as the person who made their participation in swimming possible. To my constituents of Etobicoke-Lakeshore, he is known best as the founder of the Lakeshore Swimming Club and as the coach who in 1954 helped Marilyn Bell to become the first person to swim Lake Ontario.

Swimming was not the only sport in which Gus excelled. He played football for the Excelsiors and the Argos' Intermediates. He rowed for the Argonaut Rowing Club. He represented Canada four times in international handball.

However, it is for his work with handicapped children that Gus is best loved. He was one of the first to recognize that children who could not move with agility or speed on land could swim. In the 1940s, that was a fairly revolutionary concept. Society used to feel that the handicapped should be kept out of sight. To have them exposed to view in a public swimming pool marked a huge step forward in the integration of the handicapped into the community and swimming events showed what these children could achieve, not what they could not accomplish.

Gus has received many awards and honours from service clubs and governments to mark his work. He is a member of the Order of Canada and the Sports Hall of Fame. He received the Ontario Medal for Good Citizenship and a senior citizens' award.

On behalf of this Legislature, I am pleased to join in saying thank you, Gus Ryder, and many happy returns of the day.

### TRAINING FOR FIREFIGHTERS

**Mr. Villeneuve:** Both in this House and recently in estimates, the Minister of Skills

Development (Mr. Curling) has bragged about meeting his mandate to provide skills training.

Since November I have tried to help a group of volunteer firemen to receive funds for some essential training. The course starts tonight.

I must mention that my constituency has no full-time paid firemen. Volunteers of the Stormont, Dundas and Glengarry Mutual Fire Aid Association are the only firemen and provide a very, very essential service.

Our riding has both Highway 401 and Highway 417, with a large volume of truck traffic. There are also three major rail lines. There is clearly a great potential for a wide variety of accidents, spills and fires. But because we have no paid firefighters, Skills Development refuses to provide funds. The bureaucrats say volunteers, regardless of what kind, are not eligible. One ministry letter concluded by saying: "You may, of course, support the training of paid firemen under Ontario Skills—then they can train the volunteers." I say again, we have no full-time paid firemen.

This sort of bureaucratic insensitivity and ignorance of conditions outside of Toronto should be viewed with alarm by all members. Back in November when the minister met with the firefighters, he hinted the problem would be solved. However, he has refused to change program criteria and now says that firemen are a problem for the Ministry of the Solicitor General, where there are no funds for this training, while the minister's program requirements do not meet the needs of rural Ontario.

### BASKETBALL CHAMPIONSHIP

**Miss Roberts:** I am very proud to stand in the House today to inform the members of a special accomplishment obtained by the senior girls' basketball team from St. Joseph High School in St. Thomas.

This year, the girls' basketball team, coached by Gary Clarke and Jerry O'Brien, defeated Niagara District Secondary School 49 to 45 in overtime to win the Girls' A Basketball Championship.

What makes this victory so sweet is the fact that this is the third consecutive year that the St. Joseph team has won the Ontario Federation of



School Athletic Associations Girls' A Basketball Championship. It is a very small school in St. Thomas; they have a very small gym, but they have done an excellent job in representing St. Thomas.

The members of the team are co-captain Erin Jenkins, co-captain Hilary Clarke, Denise Perrier, Corinne Kenny, Katie Bottineau, Marcia Beaudoin, Amy Gilmour, Kellie Danaher, Danielle Bottineau, Denise Budgell, Kim Jenkins and team manager Vickie Hunter.

Members of the school are here today in the gallery and I would like all members to join with me in congratulating St. Joseph High School in St. Thomas.

### AFFORDABLE HOUSING

**Miss Martel:** Recently, a series of articles on affordable housing appeared in the Sudbury Star. Credit for most of those must go to Terry Pender, a local reporter who attempted to see what life was really like for the homeless in Sudbury, a city without an emergency shelter.

The articles came after the joint announcement by the ministers of Housing and Community and Social Services of \$1.7 million to be spent on projects to address homelessness.

The situation could not have been more ironic: \$137,000 will be granted to Crisis Housing Liaison in Sudbury to develop a central registry and provide staff to assist people to find affordable housing. It is a noble effort and the people involved are committed to helping the homeless, but the government missed the boat entirely. The vacancy rate in Sudbury is 0.3 per cent. There are 762 families and individuals needing affordable housing; 335 of those spend 30 per cent of their income on rent. New spaces are almost nonexistent and there is no emergency shelter for the homeless.

The root of the problem is the lack of affordable housing, and without it, no agency can help the homeless find permanent shelter.

In June, I supported a proposal for an emergency shelter in Sudbury and wrote to the ministers of Community and Social Services and Housing requesting funding. The Ministry of Community and Social Services replied it could provide ongoing funding only after a charitable or service organization provided the shelter. The Minister of Housing (Ms. Hošek) did not even reply.

If this is evidence of the Liberal commitment to shelter and affordable housing, then the homeless in this province are in for a long, cold winter.

### SALE OF ALCOHOLIC BEVERAGES

**Mr. Runciman:** In February 1987, I announced on behalf of the Progressive Conservative Party of Ontario an eight-point proposal designed to streamline Ontario's liquor laws.

Today, I am pleased to announce that the Liquor Control Board of Ontario has decided to implement one of the Tory proposals announced two years ago. The LCBO has agreed to increase the use of agency stores, a concept that allows for the sale of alcohol products through privately owned stores.

As a first step, the LCBO intends to establish five new agency stores in eastern Ontario with more to follow. I believe this initiative is a responsible and progressive step in the process of ensuring that Ontario's liquor laws more accurately reflect current practices, consumer needs and the generally accepted mores within today's Ontario society.

We commend the board for acting on the Progressive Conservative recommendation and trust it is committed to carefully reviewing the other constructive proposals put forward by this party.

1340

### ALZHEIMER AWARENESS MONTH

**Mr. Campbell:** As January is national Alzheimer Awareness Month, I would ask all members of the House to pause and think about the approximately 10,000 Canadians who will die this year, victims of Alzheimer's. This insidious disease transforms vital men and women into withered shells, robbing them of their memory, personality and finally, their physical capabilities.

There are 34 Alzheimer society chapters in Ontario, where volunteers help victims function as best they can in day care programs. Their caregivers, who must sometimes endure a lengthy and always painful struggle in looking after their loved ones, receive encouragement and support through regular meetings and respite care programs.

In Sudbury, the Alzheimer society is launching this month, with the Sudbury regional police, an identification registry, an important tool in the care of victims. Wandering through the streets is one tragedy of the disease. Any registrant found by police can be more quickly helped and returned to his or her home, nursing home or hospital. This program will be part of the Neighbourhood Watch and school program of the police. I would urge all members to support and encourage the work of the Alzheimer



chapters in their areas. Finally, let us remember those who cannot.

**Mr. McLean:** My statement is directed to the Minister of Community and Social Services (Mr. Sweeney). He is no doubt aware that January is Alzheimer Awareness Month in Canada. The time has come when he should give serious consideration to a request that I have made on numerous occasions in this Legislature. In case the minister has forgotten, I have urged him repeatedly to consider using the Huronia Regional Centre in Orillia to care for those suffering from Alzheimer's disease.

This facility would also be an ideal place to research a disease that has affected nearly 100,000 Ontario residents. Alzheimer's disease has a devastating effect on the patients and their families, who currently must travel great distances to visit them.

In some case, families simply cannot visit because of the distance and expense. I think it would be an ideal time for the minister to announce that the Huronia Regional Centre will be used to care for the Alzheimer patient as well as a research facility where the disease can be studied. It would be a good time to announce it today.

## STATEMENTS BY THE MINISTRY

### COMPUTERIZED PATIENT INFORMATION SYSTEMS

**Hon. Mrs. Caplan:** I am pleased to inform the House that 38 Ontario hospitals will receive grants totalling \$1.6 million to install computerized patient information systems in their emergency departments.

Most Ontario hospital emergency departments now keep records manually, making it difficult to compile and analyse statistics about emergency room care. The development of computerized patient information for hospital emergency departments has been an objective of my ministry for some time.

Our long-term plan is to require standardized data collection and central reporting of emergency care activities in all Ontario hospitals with emergency departments. Last May, the ministry invited hospitals to apply for grants of up to \$40,000 to help with the acquisition and implementation of emergency patient information systems.

The selected hospitals will proceed immediately with system implementations and are expected to begin data collection and central reporting by March 1989. These systems will provide hospitals with information they need to

monitor and promote the quality of patient care. The information will also enable better planning and efficient management of resources at the provincial and hospital levels.

As soon as the new system is operational, participating hospitals will report to the ministry how the computerized information is being used to assess patient care and emergency department management. We regard this as an important initiative, designed to improve the planning and co-ordination of patient care activities in hospital emergency departments.

### WORKERS' COMPENSATION

**Hon. Mr. Sorbara:** I would like to announce today to honourable members a new Workers' Compensation Board policy regarding the payment of interest on delayed compensation benefits. The workers' compensation benefits are intended to replace the earnings a worker loses as a result of work-related injury or illness.

When a cheque is late, workers receive less than the full value of their compensation entitlement. It is recognized that these delays can cause serious hardships for injured workers. Under the board's new policy, interest will be paid for payment delays which occur after a worker is disabled.

Where the disability is temporary, benefit payments are normally paid every two weeks from the date of disability. Where workers are permanently disabled, pension payments are paid once a month after the date of entitlement. In both cases, under the board's new policy, interest will be paid for all delays beyond those due dates.

The honourable members should note that the new policy will be put into effect as part of a new computerized system of paying worker compensation benefits which will be introduced later this year.

Using the same approach as used by the courts under the Courts of Justice Act, interest will be calculated at a rate equal to the bank rate established by the Bank of Canada, rounded up to the nearest whole number, plus one per cent.

Pending introduction of the new interest policy, the board of directors of the Workers' Compensation Board has approved interim measures to provide interest on payment delays associated with internal WCB appeal hearings and appeals to the Workers' Compensation Appeals Tribunal. These interim measures took effect as of January 6, 1989.

The cost of the new policy reflects the fact that in the vast majority of cases worker benefit payments are paid by the Workers' Compensa-



tion Board on a timely basis. Full implementation of the new interest policy is expected to increase annual WCB benefit expenditures by about \$16 million. This figure represents roughly one per cent of the total annual benefits paid.

The new policy I am announcing today will make Ontario one of only three jurisdictions in Canada to pay interest on delayed benefits.

## RESPONSES

### WORKERS' COMPENSATION

**Miss Martel:** I would like to respond very briefly to the statement made by the Minister of Labour (Mr. Sorbara) concerning the Workers' Compensation Board. On behalf of this party, we welcome the move that has been made by the board in this regard.

Most of us who deal with compensation on a regular basis understand very well the kinds of delays and strains that injured workers are put under because there is a delay in payment. Most of them already experience financial difficulty because they are not at their regular work and because they are receiving compensation which in some cases is very inadequate considering the other payments they may have to make in terms of mortgage, etc. So we welcome the announcement today.

We welcome also the fact that when appeals are won, not only retroactive pay but also the interest on all the money that was lost in the interim when the worker finally decided to appeal to the compensation board, and indeed to the Workers' Compensation Appeals Tribunal, will be included.

The only thing I would like to add in saying this to the minister is that I hope this is a sign of good news to come. Perhaps this announcement today, which we welcome, also indicates there will be some change in his policy on Bill 162, which we would also welcome.

### COMPUTERIZED PATIENT INFORMATION SYSTEMS

**Mr. Reville:** As I listened today to the statement of the Minister of Health (Mrs. Caplan), I found myself wondering just what planet the Minister of Health has been visiting lately and perhaps in what time zone the minister is living.

Here we have an important announcement, theoretically, of some \$1.6 million for computerized patient information systems in hospital emergency departments. We are talking about the emergency departments of about one fifth of Ontario's hospitals.

There is an emergency in this province, but it is not an emergency about patient data. The emergency has to do with people who are at risk on waiting lists in the province, and the emergency has to do with a noble profession that is going to be dealt a mortal blow by the inaction of this government. Of course, I am talking about the nursing profession.

We have seen again today that hospitals other than general medical facilities are closing beds because of the nursing shortage. We are hearing about bed closures at cancer hospitals as well.

I think it is not acceptable at all for the minister to use up ministerial statement time talking about a project that was, in fact, announced last May. Instead, I would like this minister to come forward and say what her government intends to do to solve the nursing problem in this province.

### 1350

**Mr. Eves:** I also would like to rise and respond to the statement made by the Minister of Health. While nobody can quarrel with the information in her statement today, I would agree with my colleague the member for Riverdale (Mr. Reville) that I fully expected, as a member of the Legislature, to be in my place today and listen to the Minister of Health describe how she was going to address the critical nursing shortage in Ontario.

We have people on waiting lists for cardiovascular surgery. We have beds closing down in all kinds of hospitals in Ontario due to a nursing shortage. For many months, the minister's response to questions in the House about the nursing shortage was that various task forces and bodies doing their reports on nursing and manpower had not finished their reports.

We have four of them here now and the minister could pick any one she likes. I fully expect her to respond to the recommendations made in each and every one of these reports. They have been sitting there for weeks, in some cases for months now, and she has yet to respond in a very specific way to any of them or to address the very serious problem we have with respect to nursing, especially critical and intensive care nurses, in Ontario.

I think the minister's statement today, while I am sure it will help in some small way with respect to emergency departments and hospitals throughout the province, does absolutely nothing to address the most critical and crucial problem facing health care in Ontario today.

### WORKERS' COMPENSATION

**Mr. Harris:** Just briefly on the statement by the Minister of Labour (Mr. Sorbara), I note that



the minister indicates that this will add one per cent to the cost of the total annual benefits. Assuming that the interest rate is somewhere around 10 per cent, this would mean that 10 per cent of the payments that he makes to workers in this province are late. I do not know if that calculation is exactly accurate. I guess if it added one per cent over a year, if they are late for a year, it would be 10 per cent.

I really would be interested in hearing more about this. He used the figure and it sounds to me like it could be that 30, 40 or 50 per cent of the payments are late if it adds that much, because he says it will add one per cent to the total benefits if he were late for a whole year.

**Hon. Mr. Sorbara:** But not one per cent of settlements.

**Mr. Harris:** I am glad I have lots of time to talk about this, because we can dialogue this for the next two and a half minutes.

If he were late for a whole year, conceivably we are looking at 10, 20, 30 or 40 per cent of the payments that in fact are late, because that is what it would take to impact \$16 million in interest payments alone on the total out there.

I note that the minister says, "The cost of the new policy reflects the fact that in the vast majority of cases workers' benefit payments are paid by the Workers' Compensation Board on a timely basis."

"Timely" appears to be "late," if I read his figures correctly, and I would be interested in knowing how many people do get their cheques late. Is it half? Is it 40 per cent? Is it 30 per cent? What is the average length of time that these cheques are late? Why should any of them be late at all, except in the odd case of a mixup here or there?

I do not know why the minister is so proud of stating, "in the vast majority," and this is just picking up this little every once in a while when something goes amiss. It appears to me things are going amiss far more often than they are going right.

## ORAL QUESTIONS

### NURSING SERVICES

**Mr. B. Rae:** Along with a great many other constituency members, my office has been flooded with calls from patients who are affected by the extraordinary delays in surgery. I had a call yesterday morning from a Patricia George, who is the daughter of a patient who is on the urgent list at St. Michael's Hospital for a triple bypass. He was admitted to the hospital on December 14, scheduled for surgery two days

later, it was cancelled and he was sent home. He was supposed to be going in again on January 10 and surgery was supposed to be on January 13. He was called yesterday morning to be told that that also was being cancelled. There are, he has been told, no intensive care beds available for him. He is on the urgent list of Dr. Baker. He is not on some long-term list; he is on an urgent waiting list.

I would like to ask the minister, how is it that she has made no announcement in this Legislature, this past time or at any other time that we have been debating this question of care being provided for patients, on nursing to focus on the nursing crisis as the essential base of this problem—

**Mr. Speaker:** Minister.

**Mr. B. Rae:** —of the reason 71-year-old Albert George is waiting and—

**Mr. Speaker:** Order.

**Hon. Mrs. Caplan:** We have discussed the issue of nursing and the nursing manpower issues in this House on a number of occasions. The Leader of the Opposition is aware of the number of studies and recommendations that have come forward. Many of those recommendations are focused on the profession, the union, the employers and the hospitals as well as government.

He knows full well that I have made a commitment to open the Public Hospitals Act for review and that I am at the present time looking at the potential of draft regulations to acknowledge the important role that nurses play in hospitals and to see that that is acknowledged by their participation under the Public Hospitals Act.

**Mr. B. Rae:** We not only have older people who are waiting for heart surgery, we have kids who are now on waiting lists that are as long as eight months at the Hospital for Sick Children. When the spokesmen at the Hospital for Sick Children talk about this problem, they come back to the nursing crisis. When the spokesmen for Princess Margaret Hospital, which is the centre for Ontario's cancer research and cancer treatment, speak of the issue—when up to 20 per cent of their beds were closed at Christmas and are going to stay closed right the way through, delaying for over a year care and treatment for hundreds of people who are in need of treatment—the issue comes back again to this question of nursing.

I want to ask the minister, has she personally spoken to the Ontario Hospital Association and has she indicated to them her willingness to go to



the Treasurer (Mr. R. F. Nixon) and say, "If it is a question of more money which will deal directly with the problem of nursing care, the government of Ontario is ready to act with you"—

**Mr. Speaker:** Thank you.

**Mr. B. Rae:**—"in sitting down with the nurses' association and finally dealing with this question"?

**Hon. Mrs. Caplan:** As the Leader of the Opposition is aware, the Ontario Nurses' Association, the union for the nurses, and the Ontario Hospital Association reached a three-year collective agreement which governs the situation between nurses and their employers, the hospitals.

I would like to see the Ontario Hospital Association and the Ontario Nurses' Association talk about pay bonuses for critical care nurses in downtown Toronto. I think the opportunity for them to sit down and look at that particular issue together could be productive and helpful. I respect the roles the hospital association and the nurses' association play as they together discuss the relationships. However, I am very aware of the importance of the collective bargaining process.

**Mr. B. Rae:** I cannot believe my ears. The minister is saying she is not prepared to pick up the phone and speak to the lead employer, the Ontario Hospital Association. We do not have a collective bargaining issue here. We have a health issue, we have a people issue, and we have a government that is not prepared to exercise leadership on this issue, and that is a disgrace.

Why is the minister not prepared to pick up the phone, talk to the hospital association and say: "Let's get on with it. Let's not get bogged down in technicalities. Let's deal with those kids, those heart patients and those cancer patients who are waiting for care and who are not getting care because there is a nursing shortage"?

**Hon. Mrs. Caplan:** With all due respect, what the Leader of the Opposition is saying is absolute nonsense. Everybody in this province, I believe, respects the collective bargaining process between the Ontario Hospital Association and the nurses' association. I said very clearly in this House that I would support the two coming together to look at the specific issue of solutions to critical care nursing in downtown Toronto. We are all actively seeking those solutions and I would encourage him to be constructive and helpful in this debate.

**1400**

**Mr. Speaker:** New question

**Mr. B. Rae:** I think what I have suggested is the most constructive suggestion that has come forward yet. It is certainly more constructive than any—

**Mr. Speaker:** Order. You have a new question to which minister?

#### AUTOMOBILE INSURANCE

**Mr. B. Rae:** I have a question to the Minister of Financial Institutions. The Ontario Automobile Insurance Board is now playing a version of "pick a number, any number" when it comes to car insurance rates. I want to ask the minister if he can state clearly for us whether it is the intention of his government to invoke section 27 of the Ontario Automobile Insurance Board Act, which states clearly that the government of Ontario, the cabinet, can issue a directive on policy to the insurance board before it makes any decision.

Can the minister tell us whether the government is intending to issue a policy directive clearly on rates prior to the decision of the board with respect to rates?

**Hon. Mr. Elston:** The policy that is being carried out now by the board is one that the government has spent some time putting together with the participation of the hearing process in this Legislative Assembly. What we have said there is very clear. They are carrying out that policy directive now, which is to look at the industry, examine it, study it, see what goes into setting rates and then set a range of rates. They are doing that now.

**Mr. B. Rae:** The minister is not correct. What I am asking him to state is that he knows full well that section 27 of the act says quite clearly that the superintendent of insurance, with the approval of the Lieutenant Governor in Council—that is to say, the cabinet—may issue policy statements on matters related to categories of auto insurance, classes of risk exposure and automobile rates and dividends. That policy statement, as soon as it is issued, takes effect on the day it is issued, and in making orders under the act, the board has to have regard to those policy statements.

The board is now playing a game of "pick a number, any number." One day it is 20 per cent, one day it is 35 per cent, one day they are going to take into account what happened in 1987 and the next day they are going to ignore what happened in 1987.

On behalf of the consumers of this province, I want to know whether the minister is going to

issue a clear policy statement, stating exactly what kinds of rate increases are acceptable to him. Yes or no; is he or is he not?

**Hon. Mr. Elston:** The honourable gentleman is not correct. He is under some illusion about this being a process of picking a number. It is not that. He should confess his problems to the public and be very clear that this analysis is unlike any other that has occurred anywhere and is a better analysis of how the rates surrounding auto insurance are being considered and then set.

He should come clean with the people of Ontario because it is not fair to categorize this as a pick-a-number exercise. It is to study the industry, it is to put together a full series of parts of the industry's makeup so that it can come up with a fair and adequate rate for the provision of auto insurance in the province. In fact, that is what they are doing. It is very clear that that is what the policy is. They are following that.

What he is really asking is whether I, as Minister of Financial Institutions, on my own behalf, by myself, am going to set the rates for auto insurance in Ontario. I am saying to him that I am not doing that. It is under the auspices of the board and that is what its mandate is. That is what the hearing process is about, and that is how we will get fair rates in Ontario.

**Mr. B. Rae:** The minister said he had a specific plan. I am sure the Insurance Brokers Association of Ontario will express its gratitude to him at the dinner which it is holding for the Liberal Party caucus.

The minister clearly said he would reduce rates. He has not done that. The act clearly anticipates, under section 27, that he is to issue a policy statement with regard to auto insurance rates if he so chooses. It clearly anticipates that. All I am asking the minister is simply, is he going to issue a policy statement with regard to auto insurance rates; and if not, why not?

**Hon. Mr. Elston:** It is quite clear that the honourable member does not understand what is going on right at the moment. What is going on right at the moment is an examination of the auto insurance industry in a manner which has never been undertaken anywhere in any other jurisdiction, as far as I am aware.

It is very interesting to note that in times when he thinks we should be consulting widely, he would ask why did we go ahead and make a decision without the consultation and study that was required. When we go ahead and do the most thorough analysis of this industry that has ever taken place, he then says: "You go ahead and do it yourselves. Don't do anything else. Don't

study it. Don't understand what you're doing. Don't do an analysis of what is a very important commodity in Ontario, auto insurance. Just do it."

I can tell the member that I will support the exercise which will determine what fair rates are in Ontario. That is being done under this hearing process and we will understand, as consumers and policy-setters, what in fact has to be done with respect to auto insurance in Ontario in a way which will serve us in good stead for future reference of other problems. But right now, I am not going to go out and issue a directive that says that rates, despite whatever the member has heard, are going to be X.

[Applause]

**Mr. Brandt:** I will wait till the applause dies down.

## HEALTH SERVICES

**Mr. Brandt:** My question is to the Premier in his capacity as head of the Premier's Council on Health Strategy—

Interjection.

**Mr. Brandt:** I will wait until the member is finished.

The question I have is to the Premier and it is relative to his position as head of the Premier's Council on Health Strategy. The Premier is well aware that in media reports across the province there are discussions going on about what is being termed, and I believe is in reality, a crisis in health care in the province.

Those media reports are becoming horror stories in the sense that they are increasingly pointing out the failings of the health system in Ontario in being able to deliver what is necessary in terms of the way in which the people of Ontario have expected the system to deliver in past years, the most recent problem being the 40 children at the Hospital for Sick Children who have had their surgery delayed up to eight months. A couple of days ago, there was another story with respect to the large number of Ontario citizens who were forced to go to the United States to get surgical procedures relative to heart conditions.

Surely the Premier is aware that the seriousness of this situation is becoming increasingly evident to even himself and his own members, that there is something wrong with the health system, that there is a problem here that has to be addressed.

I ask the Premier rather than the Minister of Health (Mrs. Caplan) because she will tell us it is a collective bargaining issue or it is under study.



That is simply not good enough any more to alleviate some of the concerns that are being raised by people who have real concerns about what is happening to our health system.

Can the Premier tell us how he intends to address this in the weeks and months ahead?

**Hon. Mr. Peterson:** I think the minister can give my honourable friend as much time as he wants on this question. It is being looked at across the country.

**Hon. Mrs. Caplan:** In fact, the opportunity that we have had in this House on a number of occasions to discuss the challenges and changes in health care, I believe, are extremely important. We know there are three irresistible and compelling forces for change, not only the economic reality, the changing demographics and the changing technologies. In fact, there are a number of forums in which short-term, medium-term and long-term strategies are being considered.

The Premier's Council on Health Strategy has four subcommittees. One is the subcommittee on the health system itself. Another is on healthy public policy. The third is on integration and co-ordination and the fourth is on health goals for Ontario.

I would say to the leader of the third party that in fact we are looking at long-term strategic direction, as well as short-term and medium-term initiatives to face these enormous challenges facing health care, not only in Ontario but across Canada and worldwide.

**Mr. Brandt:** When the problem of nursing shortages was first raised with the government, the current Chairman of the Management Board of Cabinet (Mr. Elston), a fine gentleman, indicated at that time that "this government has the matter well in hand." That was his response in connection with the problem of nursing shortages. It was more than half a year ago that he made that particular comment.

1410

Well, the situation has continued to deteriorate since that time. I am sure the minister reads the editorials and the media comments. I am sure she hears the horror stories, as we do. I am sure she is hearing from the health professionals about their attitude with respect to what is happening within the health system.

It is a very simple question about these long-term plans with respect to how the minister intends to clear up the backlog of surgical delays and how she intends to assist the hospital system to respond, as it must, in terms of the bed

capacity of those particular hospitals and the nursing requirements of those hospitals. Surely there must be something the minister can suggest to this House that will be done immediately to alleviate the current problem. What plans does she have to do that in terms of a short-term solution?

**Hon. Mrs. Caplan:** I would say to the leader of the third party that our plans have been well articulated. We know, for example, that when we talk about nursing, it is not a problem that is unique to Ontario; in fact, it is worldwide. It is probably one of the most difficult and complex issues because it relates to a societal change and the changing role of women, to the values and working conditions within which nurses in general are working.

It relates to the recommendations of the Evans, Spasoff and Podborski reports, which talk about a better balance in our health system, a move to community-based services to take the pressure off our hospitals, so we can establish the kinds of facilities where people who do not require inpatient services can be provided with those services in community-based settings closer to their homes, and free up the hospitals to do that which they do best, the primary, secondary and tertiary care that require inpatient services.

Tomorrow, I hope we will have an opportunity in this House, on second reading of the Independent Health Facilities Act, to begin with the legislative framework to allow us to expand community-based services. I believe that will assist us as we rebalance the system.

**Mr. Brandt:** All too often, the government's response to what I consider to be an extremely critical problem has been to blame others. The minister has passed the problem on to hospitals. She has expected them to operate with reduced budgets. She has expected them to deliver a service when she has required them to shut down beds. She has not addressed the nursing problem. She has reduced support to the health system very dramatically in this province and expects the same level of procedures, the same level of service to be delivered to the people of Ontario. It is simply unacceptable.

I have had calls to my office from people who are waiting their turn for surgical procedures that are life-threatening, situations that are totally unacceptable in this province—

**Mr. Speaker:** The question?

**Mr. Brandt:** —and that I have never heard of except in the last couple of years during the minister's term as Minister of Health.

**Mr. Speaker:** Do you have a question?

**Mr. Brandt:** What does the minister intend to do in connection with the immediate problem, which is to alleviate the nursing shortage, address the problems that hospitals have and bring the system up to the level—

**Mr. Speaker:** Thank you. Order.

**Hon. Mrs. Caplan:** The leader of the third party is incorrect when he says there has been a reduction in any hospital budgets. In fact, since 1985, hospital budgets have been improved by some 39 per cent. This year, the Treasurer (Mr. R. F. Nixon) announced an 8.1 per cent increase to the hospitals' base budget. Since this government took office in 1985, health expenditures have reached \$12.7 billion, up almost \$3 billion from the time of the change of government. We anticipate that next year the institutional sector will receive almost \$6 billion.

I would say to the member that his categorization of insufficient funding is false, inaccurate and points out the fact that the problems we have in health care require a response other than simply money—looking at structural change. That is the direction we are taking because all the experts are telling us that the problems we have in health care are not going to be responded to simply with more money.

#### NURSING SERVICES

**Mr. Eves:** I have a question of the Minister of Health as well. I think it is more than obvious that we have reached a crisis in our health care system here in Ontario. A nursing shortage exists that is so acute we have critically ill patients waiting for surgery on waiting lists that in some cases are many months long.

We have been raising the shortage-of-nursing issue in this Legislature at least since November 1987. Yet the minister has never given a straight answer to myself or any of my colleagues on this side of the House as to what concrete steps she is going to take to react and address the nursing shortage in Ontario and especially in the Metropolitan Toronto area.

Can the minister for once give us a straight answer and tell us what exact, specific, concrete steps she, as Minister of Health, is taking to address this very serious issue of the acute nursing shortage in Ontario?

**Hon. Mrs. Caplan:** We have discussed this on a number of occasions in this House and recognized that in fact it is in downtown Toronto where we see a particular shortage of nurses in the area of critical care. This is not the same across the whole province. There are variations

and differences. I can tell the member that at the beginning of February, critical care nurses will be coming from Sudbury to help alleviate the situation in downtown Toronto in the short term. As well, a number of critical care nurses are being trained at the present time. This fall, we established through the Toronto Institute of Medical Technology additional training for cardiac technicians.

We believe that in the short term this will help. However, we know that by working together with the Ontario Hospital Association and the Ontario Nurses' Association, by bringing people together, we will continue to seek solutions to adjust this important problem.

**Mr. Eves:** The minister is quoted in the media this morning as saying that the Ontario Hospital Association and the Ontario Nurses' Association should reopen their contract to talk about premium pay for critical care work. She has stated to us in this House on several occasions, and most professional nursing organizations would agree, that there are enough nursing graduates coming out of the system. The problem, as I am sure she is aware, is that they tend to leave the system anywhere between their third and seventh year of experience for the very simple reason that they are not paid for their experience. They are not paid for their expertise with respect to critical care work, for example.

Now, is the minister telling us by her statement this morning that she is going to provide the OHA with the additional money it needs to enter into serious negotiations with the ONA, or is she telling us that she is just passing the buck to the OHA, that she has no intention of providing them with the money they need, which she knows they need, to address this very important issue. Is she going to exercise the responsibility—

**Mr. Speaker:** Order. The member has placed the question.

**Hon. Mrs. Caplan:** As the member knows, pay practices are part of the collective agreement. However, I believe that even through discussions outside of the collective agreement, the Ontario Nurses' Association and the Ontario Hospital Association could come together and seek solutions. I would encourage them to talk about such things as opportunities to solve the problem particular to downtown Toronto, particularly in the area of critical care. I would encourage those discussions.

**Mr. Eves:** This is not a collective bargaining issue. With all due respect to the Minister of Health, this is a health issue. We are talking about health care in Ontario. We are not talking



about a collective bargaining issue. She has four reports here. One came from the ONA in March 1988. That is almost a year old. They have very specific recommendations that are the likes of better pay; salaries increasing with education, experience and/or responsibility; better hours, more flexible, shorter hours; more opportunity for nurses to advance; a better attitude towards nurses from the public, doctors and their co-workers; more staff to reduce workload stress. I would suggest to the minister that every one of those issues affects her very directly as Minister of Health and that only she can address them.

**Mr. Speaker:** Question?

**Mr. Eves:** We have three other nursing reports that I am sure she is aware of.

**Mr. Speaker:** Question?

**Mr. Eves:** The Registered Nurses' Association of Ontario has 14 of them. They are all numbered.

**Mr. Speaker:** Thank you.

**Mr. Eves:** Would she quit passing the buck to these people and quit passing the buck about it being a collective bargaining issue, assume the responsibility that is hers as Minister of Health—

**Mr. Speaker:** Order. Would the member for Parry Sound take his seat.

1420

**Hon. Mrs. Caplan:** I think it is clear the Health critic from the third party simply does not understand the jurisdictional responsibility of collective bargaining of the unions, of management and of government. In response to those reports and recommendations, I have taken the initiative, as the responsibility of government, to announce amendments to the Public Hospitals Act.

Many of those issues that are responded to in fact have nothing to do with money but are questions of working life issues that respond directly to the employers. I know that they are being addressed by the individual hospital employers and that the Ontario Hospital Association has shown leadership in helping to assist the hospitals in their membership as well.

The Ontario Nurses' Association, I believe, has an opportunity to sit down with the Ontario Hospital Association and look at a host of issues, many of which may not include money and resources, to help address some of those recommendations. The problem specifically for critical care nursing in downtown Toronto is, I believe, quite a separate issue, and one I am hopeful, through flexibility and creativity—

**Mr. Speaker:** Thank you.

## RENT REGULATION

**Mr. Breagh:** I have a question for the Minister of Housing concerning rent review. How does she explain this process to Wayne Guest who lives at 104 Confederation Drive in St. Thomas? His building is jointly owned by two Toronto-based firms. Over the past four years, the rent review system has awarded these two investors a total amount of 58.7 per cent when they only asked for a modest 46.3 per cent. How does she explain to Mr. Guest that her rent review system gives the landlords more than they ask for?

**Hon. Ms. Hošek:** Our rent review system takes information from the landlord, information from the tenants, and calculates the rents based on a number of factors, including capital costs and the costs of managing the building. As a result of those numbers, it comes up with what it sees as the appropriate number justified by the economic facts that are given.

**Mr. Breagh:** This is sure a good place to invest, where they give you more than what you asked for.

How does the minister explain to Mr. Guest, who is a pensioner and lives on a fixed income, the sad fact that he has now been ordered by rent review to pay a total of \$752 in back rent? This is the adjustment figure that has been used. How is someone on a fixed income supposed to come up with this kind of cash in a hurry on the orders of the minister's rent review system?

**Hon. Ms. Hošek:** The most important thing about the rent review process is that it is a way of making sure tenants do not have to pay unjustified rent increases. It is not the only answer for people on fixed income who have problems with housing issues. Rent review was never meant to solve the housing problems of everyone in the province, including people on fixed income.

It is because of the problems of people like the one the member describes, who is on a fixed income, that the province has made the commitment, that we have made the commitment, to build more housing that is affordable to people all over the province, to make sure that there is much more nonprofit housing being built all over the province. Rent review is only one part of the protections that we give to people. It is not the only way of meeting the needs of people with economic difficulty, in particular people on fixed income.

## USE OF LOT LEVIES

**Mr. Harris:** I have a question for the Minister of Housing. The Toronto Star says today, "New Metro Home is Costing \$347,000." I am sure the minister agrees with me that we have an affordability problem. I am trying to be helpful and I would like to ask the minister if the following scenario makes sense to her.

Let's take an average community of 20,000 homes, 50 existing homes for every new one built. If new ones go up, say, \$5,000 as a result of lot levy, if that is the figure, and they build 400 new ones in this community, lot levies will raise \$2 million. But the other 20,000 homes will go up \$5,000 as well, so the total impact on the cost of housing in that average community will be increased by \$102 million.

Does it make sense to the minister to add \$102 million to the cost of housing for an average community for the sake of raising \$2 million for education or whatever?

**Hon. Ms. Hošek:** I think the member's hypothetical case makes very little clear sense. I think the important issue here is that people of moderate income have a lot of choices in the housing that is available to them. It is my concern and commitment that people of moderate income in this province have real choices about where they live and the housing that is available for them.

It is for that reason we put forward our land use policy, in which we say that from now on, in new housing that is being built across this province, we expect at least 25 per cent of that to meet the needs of people of low and moderate income. That, in particular, also was addressed to people of moderate income.

We know that working together with municipalities and the private sector builders, it will be possible for us to increase the supply of housing for people of moderate income in this province substantially, not on a one-time basis and not as a blip, but as a steady stream of production of affordable housing through working together and making sure that municipalities and builders, together with us, meet our guideline for affordable housing.

That is the answer to make sure there will be much more housing available for people of moderate income. The supply of housing for people of moderate income is a significant issue here and that is the one we are trying to meet.

**Mr. Harris:** Of course it is, and I do want to be helpful.

**Hon. Mr. Kerrio:** Yes.

**Mr. Harris:** Well, I do.

**Mr. Breaugh:** I see that. He is trying.

**Mr. Harris:** I do. I appreciate supply is an important part, but I want to address specifically the lot levy issue.

I contend, and everybody I have talked to, including the industry, everywhere except the minister, agrees that considering there is one new home for every 50 existing, on the average, for every dollar raised by new lot levy, she increases the cost of the total housing stock by \$50. That is a fairly understandable and logical conclusion.

The Treasurer suggests he wants to raise an extra \$100 million for education or health or something through a new form of taxation, a lot levy. To get that \$100 million, the total cost of housing in the province—I think she would agree affordable housing is a problem—goes up \$5 billion. That is the increase on the total housing stock in the province.

My question is, does it make sense to her as the Minister of Housing to get \$100 million from some new tax source so that the municipalities will pay instead of the province? Does it make sense, to get \$100 million for something else, to add \$5 billion to the cost of housing in the province?

**Hon. Ms. Hošek:** The member is well aware that this entire question of how to fund the infrastructure costs of significant growth in the province is one that is being discussed right now. It is my commitment and it is my job to make sure we increase the supply of affordable housing in the province. It is the Treasurer's responsibility to make decisions about taxation.

In the paper on funding infrastructure costs for rapidly growing areas that was released a little while ago, it was made very clear that the goal of making sure the affordable housing commitments of this province are met is uppermost. It is there.

The other part of making sure housing gets built is also making sure the quality of life for the people in those communities is maintained, and that requires roads, sewers and schools. We have to make sure the housing gets built and we have to make sure the services are there. How to make sure both those goals are met is the purpose of the exercise we are engaged in right now.

I am sure we will get some interesting ideas about how to meet those goals and I look forward to working with every member in the House who wishes to be helpful, like the member opposite, to make sure our housing goals are met.



## COURT SECURITY

**Mr. Owen:** I have a question for the Attorney General. I have had a number of inquiries from various parts of my riding about the financial and operational implications of Bill 187. I am advised that back in 1985, when this was contemplated, the government of that time saw fit that there was something like \$3 per household allowed for the security the bill was requiring.

At the present time, the town of Bradford tells me that it is looking at an increase of costs to its police force to implement this of something like \$85,000 a year. The city of Barrie says that its costs will run several hundred thousand dollars a year. In areas like Simcoe county, the security within the court and transporting or moving the prisoners from the jail over to the court is handled by contract officers who work as they are required.

The system seems to be working. I wonder if the minister could give us some idea of the costs that are involved to the municipalities and what was contemplated at the time this was introduced.

1430

**Hon. Mr. Scott:** In the vast majority of cases in Ontario, there should be no additional costs at all. The province has for many years been funding municipal police forces through the municipal councils in the unconditional grant system, and in 1985 the unconditional grants were increased specifically to deal with courthouse security by \$3 per family.

The purpose of this bill is simply to identify precisely what we are funding. What we are funding, so the honourable member will know, is work that is now done by police forces in almost every municipality in Ontario: the transporting of prisoners; responding to threats of violence if they are made at the courthouse; and maintaining a presence, as required, to maintain the safety of the occupants of the courthouse.

On balance, that is done across Ontario by municipal police forces now and is paid for under the unconditional grants. The purpose of this legislation is to clarify the dividing line between that function and the function performed by sheriff's officers.

**Mr. Wildman:** Saving you money.

**Mr. Brandt:** We know what it is for.

**Mr. Speaker:** Order.

**Mr. Owen:** I appreciate that the concern is that we are living in changing times and that the circumstances of our security in our courts 10 or 15 years ago was different than what we are

facing today in our courts, so I see somewhat what the Attorney General is saying, but in places such as our county, and I believe Perth is another county which is similar to ours, we have the situation where we have contract staff who are working on an on-call basis. They feel that their jobs are jeopardized. They do not know where they are going. Can the minister give us any indication as to what the future prospects might be for these people in areas such as ours, where they are working on a contract basis?

**Hon. Mr. Scott:** If the honourable member is telling us that in a municipality in Ontario, funds are being taken under the unconditional grant for courthouse security, which work is being performed by others, I am surprised to hear that. The purpose of the increase in the grant in 1985 was explicitly to allow police forces to do courthouse security; namely, the transporting of prisoners, responding to threats of violence at the courthouse and maintaining the police presence required to maintain the safety of the occupants.

The purpose of this bill is to clarify the nature of that responsibility. Anybody who has been taking the money and not providing those services and looking to others to provide them will, I am sure, be prepared to provide the service in the future.

## DEATH OF PIERRE POULIOT

**Mr. Mackenzie:** I have a question for the Solicitor General. On June 28, 1988, Pierre Pouliot was killed at the Copper Cliff smelter of Inco, just outside of Sudbury. I asked the minister about this on Thursday of last week. Can the minister tell us if there is a date set for the inquest into the death of Pierre Pouliot?

**Hon. Mrs. Smith:** A date has been tentatively set for March 6.

**Mr. Mackenzie:** That is a tentative date, I take it. Is there any information then, or can the minister tell us if it is not a fact that in a mining death, there is to be an automatic inquest? Why have we waited from June 28 until now to get a tentative date for this inquest, when the family has been trying to get answers that the minister herself says cannot be given while we are waiting for an inquest?

**Hon. Mrs. Smith:** Like so many other cases, this case was being investigated, as indeed the member would agree it should have been as it is this type of industrial death. Unfortunately, one of the people involved in the investigation himself became ill, which caused some delay, and some of the information was difficult to



come by, further delaying it, but the date has now been set and they are proceeding as planned.

#### PROPOSED LANDFILL SITE

**Mr. Cureatz:** I have a question for the infamous Minister of the Environment; I know he will be taking his seat momentarily. My colleague the member for Mississauga South (Mrs. Marland), who of course is the critic of his ministry—

Interjections.

**Mr. Cureatz:** I see that the Liberal backbench sheep are bleating again.

**Mr. B. Rae:** Can't they open up a small claims court on Tuesday as well as on Monday?

**Mr. Speaker:** Order. Does the member have a question?

**Mr. Cureatz:** The member for Mississauga South wanted to discuss with me some policies of the ministry—and what better place to discuss the government policies than the garbage site in the minister's own riding?

We had the opportunity of visiting the site in his riding. His ministry claims that if a garbage site is operated correctly, there should be no seagulls. Now I have a picture here that shows thousands of seagulls in the garbage site in the minister's riding. I think it is thousands. The Premier (Mr. Peterson) could send out some Liberal backbenchers—

**Hon. Mr. Kerrio:** Did they follow you home, Sam?

**Mr. Speaker:** Order.

**Hon. Mr. Grandmaître:** Seagull Sam.

**Hon. Mr. Ramsay:** That is our official bird you are talking about.

**Mr. Speaker:** Order.

**Mr. B. Rae:** Fly like a butterfly, sting like a gull.

**Mr. Wildman:** Where's Dave Winfield when you need him?

**Mr. Speaker:** The members have certainly wasted a lot of time. We will just wait.

I hope the member has a question.

**Mr. Cureatz:** My question to the minister is: If the garbage site in his riding to the west of the city of St. Catharines is being operated properly, why are there so many seagulls at the dump site?

**Hon. Mr. Wrye:** They heard Sam was on the way.

**Mr. Speaker:** Minister.

**Hon. Mr. Bradley:** It is an excellent photograph of the member for Durham East on this location.

As the members know, there are seagulls all around Ontario. I have consulted with the Minister of Natural Resources (Mr. Kerrio) on this matter, and he has indicated that at many locations in Ontario, for instance, at several of the beaches that are located in the province, the seagulls will be there if there is any item of food which may at any particular time of the day be exposed for the purposes of their consumption.

For instance, the member would know that people who walk down a beach with french fries, for example, in their hands will notice that the seagulls will come down and swoop down on them.

What I am presuming to the member, on what I consider to be a very serious question on his part, is that at a particular time of the day there might well be some exposed morsel of food or the anticipation on the part of the seagulls that there may be some food under the cover. Certainly even—

1440

**Mr. Speaker:** Thank you.

**Hon. Mr. Bradley:** Even though there are a number of landfill sites in the province—

**Mr. Speaker:** Order. You have already taken over five minutes.

**Mr. Cureatz:** As the minister well knows, Metro Toronto is planning to make a land grab in my riding of Durham East for a landfill site. I happen to have a seagull here which I call Bradley Seagull or BS for short. I want to tell the minister—

**Mr. Speaker:** By way of question.

**Mr. Cureatz:** —that I do not want this seagull, I do not want seagulls from his riding and I do not want Metro Toronto seagulls in my riding of Durham East if they make a land grab for a garbage site.

Will the minister promise this assembly that if Metro makes a land grab, he is going to guarantee a full environmental assessment hearing so we can discuss, among other things, infestation of seagulls?

**Hon. Mr. Bradley:** Thank you kindly. I appreciate this very much. That looks like a tie I have seen before.

I am informed by one my colleagues that there is no such thing as a seagull. He says you can have a gull, a beagle or an eagle but there is no such thing as a seagull. The member for Peterborough (Mr. Adams) told me that.

The member will recall that on his visit to the site in St. Catharines, where he thought he had an issue, along with his colleagues, all he found out



was that the city of St. Catharines was extremely pleased, because his leader, when he was the Minister of the Environment, granted an exemption from the Environmental Assessment Act for the purposes of any potential expansion.

What I have indicated to the people in that specific area is that if there were a major expansion that would go over a number of years, for instance, and would be of a magnitude that would call for it, there would certainly be an environmental assessment.

In regard to the issue the member brings to me in his supplementary question, I can indicate to him that there have been a number of potential proposals which have been forthcoming. Some of his colleagues suggest that something should be in one place. One day they get up and say, "Well, of course, you shouldn't apply the Environmental Assessment Act," or "It's too tough," or something like that. The next day somebody else gets up and says, "You're not going to put it here."

As members know, these proposals are developed by the municipality. When I receive, as the Minister of the Environment, and our ministry receives a proposal from any one of the municipalities, we will look very carefully at that and determine the regime under which it would come and determine the course of action to be followed. I would be happy to share with the member for Durham East who has a sincere interest—

**Mr. Speaker:** Thank you very much. A new question.

#### NONPROFIT HOUSING

**Mr. Offer:** I have a question for the Minister of Housing. Many are concerned about the federal government's recent decision to impose a financial cap on the federal-provincial nonprofit housing program for 1988. In my riding there are two projects which have been put in jeopardy. One such project, the Mississauga Seniors Village, comprises 58 homes for seniors and is the first nonprofit senior housing project in the community of Meadowvale. The other project, Forum Italia, comprises 93 homes and meets critical needs not only in Mississauga but also in surrounding areas.

My question involves the current status of the minister's discussions with the federal government on this matter.

**Hon. Ms. Hošek:** I have had several conversations with the federal minister on this, and he has indicated to me that the financial caps will remain. They will affect 19 projects, including

the two the member has mentioned in his riding, despite the federal government's promise that was made explicitly about a year ago in a press release that we released together, despite a very significant need for housing that people can afford, and despite the very significant work that has been done in this community and all over the province, by large numbers of volunteers who worked very hard to bring forward projects for nonprofit building all over the province.

**Mr. Offer:** By way of supplementary, these projects have taken many years of work, they have involved thousands of volunteer hours and considerable expense. Notwithstanding all of that, there are hundreds of families and individuals who have intended to move into these housing projects.

By way of supplementary, I am asking the minister whether these very important projects can be saved?

**Hon. Ms. Hošek:** As members know, this is an issue that I have been very concerned about. I also know how hard people have worked to bring these projects to this point in their development. I am going to be calling the federal minister to fund these projects out of the 1989 allocation. What that will mean is that the projects which are named will proceed if the federal minister agrees to do that.

If we do that, and if the federal minister does that, it will still mean a significant loss because the previous commitment to the federal government was to fund about 7,000 units jointly with us every year to build nonprofit housing together.

If they go forward with what I hope they will do, which is fund these out of the 1989 allocation, it will still mean a significant decrease in 1989 from around the 7,000 units which we were preparing to do together to about 3,200 units under the federal-provincial program. That is a significant loss, but I am prepared to ask the federal minister to do this carrying forward of the funding because the projects really should go forward.

The people involved with them have done an enormous amount of work. By the time we are at this point, they represent literally hundreds of hours of work done by volunteers to bring them to this point. They have commitments in their communities and they are ready to go.

I hope the federal government will agree to do that, but let us not underestimate the impact on our future plans which would cut from 7,000—

**Mr. Speaker:** Thank you. New question.



## NORTHERN AIR SERVICES TRANSPORTS AÉRIENS DANS LE NORD DE L'ONTARIO

**Mr. Morin-Strom:** I have a question for the Minister of Northern Development with regard to air services to northern communities now that the minister has put off his plans to sell norOntair's Dash-8 planes to Air Ontario.

The minister must know that Air Ontario's plans to take these planes and the jobs out of northern Ontario, with totally inadequate routing proposals, certainly would not have provided the enhanced services that the minister promised to the north last June.

Given that the government has reasserted its control over norOntair by the purchase of Air-Dale in Sault Ste. Marie, which has been operating the Dash-8 planes, what specific plans does the minister now have to maintain that operation in the north and to improve the quality and the effectiveness of that service to the north's smaller communities.

**L'hon. M. Fontaine:** Je voudrais rappeler au député de Sault-Sainte-Marie (M. Morin-Strom) que la vente des avions Dash-8 a été remise à la fin de novembre 1989.

As the member just mentioned, we are in the process of taking over the service of the Dash-8 from Air-Dale, but that does not mean we will not sell the Dash-8.

I just said in French that this sale is put off until November 1989 and it will proceed as if there were no sale. We are running the two operations and I think we are running them well. I do not see any problem. I do not see any problem for the jobs either, because we are going to repair all the airplanes in Sault Ste. Marie. I do not know what the member is talking about.

**Mr. Morin-Strom:** I am talking about a service which is vitally important to smaller communities in northern Ontario, and that is the norOntair operations, which are under the auspices of the ministry.

Last June the minister made promises to improve the quality and cost effectiveness of its services to the north's smaller communities. He has gone around the province making promises with regard to new Dash-8 services and new routes that were going to be added in northern Ontario.

The minister knows that the Dash-8 operation has not been fully utilized because of planes being out of commission for long periods of time. Those planes are now available to the minister and his ministry in the north. Is he going to live up to his commitment to add routes and to

provide services to more communities with those Dash-8 planes now that they are fully under his control, owned and operated by Ontario?

1450

**Hon. Mr. Fontaine:** First of all, I would like to tell the honourable member for Sault Ste. Marie that he is not a mechanic. He should know that at times we have to repair the planes if we want to fly them safely. That is what we are doing. Sometimes there is one missing. I can assure the member for Sault Ste. Marie that we are applying to fly from Winnipeg to Fort Frances and Thunder Bay. This will be done in the next few weeks.

As to the other planes that we are flying, I think we are trying to fly what we have. We have some planes that are 20 years old and we have to repair them at times. That is what we are doing. If I can sell those Dash-8s, I will take that money to buy new planes, but that will come at the end of this year. Right now I have no money to buy new planes and we will keep operating as we are. I do not think there are too many people talking about our service, norOntair. They are talking about other services, not norOntair.

## AUTOMOBILE INSURANCE

**Mr. Runciman:** I have a question for the Minister of Financial Institutions and it is related to the decision of more insurance companies to pull out of the auto insurance business in Ontario. I wonder if the minister can tell us the approximate percentage of drivers in Ontario required to secure insurance through the Facility Association and whether it has been increasing over the past 10 months.

**Hon. Mr. Elston:** I do not have an accurate answer for him at the moment, but I will get back to the honourable gentleman with that number.

**Mr. Runciman:** That is a similar answer to the one I received yesterday. I want to remind the minister that we brought to his attention and to the attention of his government some time ago the striking similarities between the Massachusetts program and the program that this government has initiated in Ontario.

What is happening in Massachusetts is that 60 per cent are in Facility versus what we used to have in Ontario, two to three per cent in Facility. Premiums are \$77 higher than the national average, there is very poor availability and companies are simply abandoning the market. I would like to know if the government has made this decision to take the Massachusetts route. I am sure consumers in this province would like to



know what the minister is doing to ensure that we do not repeat the Massachusetts mess.

**Hon. Mr. Elston:** I would like to thank the honourable gentleman and remind him that I gave him a very direct answer yesterday with respect to his questions about the types of things that he wanted to know. I have gone back and said that we were getting public input from all around the province. The member knows that.

Although the specific numbers were not available on exactly how many presentations were made in front of the board, I can tell the member that I have looked at a number of pieces of information that show there has been input from right around the province, from Flesherton, from Navan in eastern Ontario, from Kenora, from Fort Frances and from other places. From all over the province people have had access to the board and its hearings processes.

I said to the honourable gentleman yesterday, just so he does not leave the mistaken impression with the people of the province that I did not answer his question, that the public of Ontario has had access to these hearings, they do have and they will continue to have.

The interesting thing is that I have to remind him day after day of the answers just so he does not forget. His memory is very good, except that it is very short. I can tell members that I answered his question yesterday, and I will answer his question today, that the study and analysis which we are doing in Ontario with respect to the setting of rates for auto insurance is the type of thing that ensures two things: (1) it will give the consumers of this province the information they need to make intelligent choices about which company they access for rates and (2) the companies which are participating in the market will understand what they have to do to be competitive and the work they have to do to be continuing players in this particular province.

I will tell the member that there is in this province the basis on which sound automobile insurance coverage can be obtained now and in the future. We will continue to work towards that as a goal.

## PETITIONS

### RETAIL STORE HOURS

#### HEURES D'OUVERTURE DES MAGASINS

**Mr. Laughren:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"I, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead strengthen protection for all workers who do not want to work on Sundays; to not pass the buck to local governments on this issue; and to maintain a common pause day for working people and working families in Ontario."

**Mr. Pouliot:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead strengthen protection for all workers who do not want to work on Sundays; to not pass the buck to local governments on this issue; and to maintain a common pause day for working people and working families in Ontario."

La pétition est adressée au «lieutenant-gouverneur de la province de l'Ontario.

«Je/Nous soussignés demandons la permission de présenter la requête suivante au parlement de l'Ontario:

«Nous demandons instamment au premier ministre Peterson de ne pas aller de l'avant avec le projet de loi qu'il a annoncé, mais de renforcer plutôt la protection pour tous les travailleurs et travailleuses qui ne veulent pas travailler le dimanche; de ne pas se décharger de sa responsabilité sur le dos des gouvernements locaux sur cette question; et de maintenir un jour commun de repos pour les travailleurs et travailleuses, ainsi que pour leur famille dans la province de l'Ontario.»

J'ai apposé ma signature à cette pétition. Merci.

**Mr. Speaker:** This might be the appropriate time to inform all members that they may rise in their places and speak in English or French. It is not necessary to repeat the same thing in both languages.

**M. R. F. Johnston:** J'ai une pétition.

«À l'honorable lieutenant-gouverneur et à l'Assemblée législative de l'Ontario,

«Nous soussignés demandons la permission de présenter la requête suivante au parlement de l'Ontario:

«Nous demandons instamment au premier ministre Peterson de ne pas aller de l'avant avec le projet de loi qu'il a annoncé, mais de renforcer plutôt la protection pour tous les travailleurs et travailleuses qui ne veulent pas travailler le dimanche; de ne pas se décharger de sa responsabilité sur le dos des gouvernements locaux sur cette question; et de maintenir un jour



commun de repos pour tous les travailleurs et travailleuses, ainsi que pour toute leur famille en Ontario. »

**Mr. Philip:** I have a petition from constituents in the riding of Etobicoke-Rexdale which reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day so that all people may have physical, spiritual and social health. We are concerned about the quality of life and wellbeing of the people of our province and we object to the further commercializing of life through the Liberal government's proposed Sunday shopping legislation."

**Mr. Farnan:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day so that all people may have physical, spiritual and social health. We are concerned about the quality of life and wellbeing of the people of our province and we object to the further commercializing of life through the Liberal government's proposed Sunday shopping legislation."

This is signed by some 13 petitioners, and I have attached my name to same.

**Mr. Wildman:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"That action be taken to ensure a day of pause for enjoying family and friends."

This petition is signed by five residents of Ontario, and I have also signed it.

1500

**Mr. Laughren:** "To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead strengthen protection for all workers who do not want to work on Sundays; to not pass the buck to local governments on this issue; and to maintain a common pause day for working people and working families in Ontario."

That is signed by two constituents who reside in the provincial riding of Nickel Belt. I agree with them and I have affixed my signature to their petition.

**Mr. D. S. Cooke:** I have a petition to the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead strengthen protection for all workers who do not want to work on Sundays; to not pass the buck to local governments on this issue; and to maintain a common pause day for working people and working families in Ontario."

I support this petition and I literally have thousands more of these to present over the next several months.

**Mrs. Grier:** I have a petition. It is addressed to the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead strengthen protection for all workers who do not want to work on Sundays; to not pass the buck to local governments on this issue; and to maintain a common pause day for working people and working families in Ontario."

I support this petition and have affixed my signature thereto.

**Mr. Reville:** I have a petition, which reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day, so that all people may have physical, spiritual and social health. We are concerned about the quality of life and the wellbeing of the people of our province and we object to the further commercializing of life through the Liberal government's proposed Sunday shopping legislation."

This petition has been signed by 14 residents of Essex South. I have affixed my name thereto and I agree with this petition.

**Mr. Mackenzie:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas it is the stated intention of the Liberal government of Ontario to change the



legislation governing the conduct of business on Sundays; and

"Whereas the Premier and other members of the Liberal government have stated the government's intention to repeal the Retail Business Holidays Act and to dump this responsibility in the laps of the municipal governments, who have already indicated they don't want it; and

"Whereas the Legislature's select committee on retail store hours, representing all three political parties in the Legislature, reported unanimously to the Legislature in May 1987 as follows: 'The committee supports the principle of a common pause day in Ontario'; and

"Whereas the first of 17 unanimous recommendations contained in that committee's report was as follows: 'The primary responsibility for the administration of the Retail Business Holidays Act, or other legislation related to retailing on holidays, should remain that of the provincial government'; and

"Whereas the report also said, 'The committee unanimously rejects the notion of wide-open Sunday shopping for Ontario'; and

"Whereas the Association of Municipalities of Ontario has forcefully put forward its view that leaving the regulation of Sunday shopping to municipalities is not what its members desire; and

"Whereas a very broad array of trade unions, religious organizations, small and large retailers, groups concerned about the quality of life in Ontario, families and individuals have publicly indicated their opposition to the government's intentions, on the basis that it will lead precisely to wide-open Sunday shopping, thereby harming working families and working people; and

"Whereas the government's stated intentions can only increase existing pressures on working people and working families and result in less fairness for them, by reducing their ability to spend time together;

"We urge the Liberal government not to proceed according to its recent statements of intent, but instead urge it to maintain and strengthen the Retail Business Holidays Act; to retain under provincial jurisdiction legislation regulating Sunday work hours; to not pass the buck to municipal governments on this issue, and to give effect to a common pause day for working people and working families in Ontario."

This petition is signed by 26 residents of my own city, the great city of Hamilton, and I am pleased to add my name to it.

**Mr. Philip:** I have petitions from some 35 petitioners:

"To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

«Nous soussignés demandons la permission de présenter la requête suivante au parlement de l'Ontario:

«Nous demandons instamment au premier ministre Peterson de ne pas aller de l'avant avec le projet de loi qu'il a annoncé, mais de renforcer plutôt la protection pour tous les travailleurs et travailleuses qui ne veulent pas travailler le dimanche; de ne pas se décharger de sa responsabilité sur le dos des gouvernements locaux sur cette question; et de maintenir un jour commun de repos pour les travailleurs et travailleuses, ainsi que pour leur famille en Ontario.»

Mr. Speaker, would you like me to repeat in English so that my French colleagues in the Legislature will know what I have said before they read the English translation?

**Mr. Speaker:** I believe the honourable member was here when I made a comment earlier.

**Mr. Charlton:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day so that all people may have physical, spiritual and social health. We are concerned about the quality of life and the wellbeing of the people of our province and we object to the further commercialization of life through the Liberal government's proposed Sunday shopping legislation."

This petition is signed by seven residents of the Windsor area, and I have affixed my signature to the petition as well.

**Mr. Wildman:** I have a petition:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament as follows:

"That action be taken to ensure a day of pause for enjoying family and friends."

This petition is signed by five residents of Ontario. I have added my name to it and I support it.

**Mr. Morin-Strom:** I have a petition as well; it reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day so that all people may have physical, spiritual and social health. We are concerned about the quality of life and the wellbeing of the people of our province and we object to the further commercializing of life through the Liberal government's proposed Sunday shopping legislation."

I support this petition. I have affixed my name to it as well.

**Mrs. Grier:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day so that all people may have physical, spiritual and social health. We are concerned about the quality of life and the wellbeing of the people of our province and we object to the further commercializing of life through the Liberal government's proposed Sunday shopping legislation."

This is signed by residents of Belle River, Tilbury, Amherstburg and Windsor, and I have also fixed my signature thereto.

**Mr. Farnan:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day so that all people may have physical, spiritual and social health. We are concerned about the quality of life and the wellbeing of the people of our province and we object to the further commercializing of life through the Liberal government's proposed Sunday shopping legislation."

I agree with this petition and I have attached my name to it.

1510

**M. Allen:** J'ai une pétition de M<sup>me</sup> et M. Caron de Chelmsford (Ontario).

«Pétition à l'honorable lieutenant-gouverneur et à l'Assemblée législative de l'Ontario,

«Nous soussignés demandons la permission de présenter la requête suivante au parlement de l'Ontario:

«Nous demandons instamment au premier ministre Peterson de ne pas aller de l'avant avec le projet de loi qu'il a annoncé, mais de renforcer plutôt la protection pour tous les travailleurs et travailleuses qui ne veulent pas travailler le dimanche; de ne pas se décharger de sa

responsabilité sur le dos des gouvernements locaux sur cette question; et de maintenir un jour commun de repos pour tous les travailleurs et travailleuses, ainsi que pour leur famille en Ontario.»

C'est un plaisir de vous soumettre cette pétition, à laquelle j'ai apposé ma signature.

**Mr. Hampton:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day so that all people may have physical, spiritual and social health. We are concerned about the quality of life and the wellbeing of the people of our province and we object to the further commercializing of life through the Liberal government's proposed Sunday shopping legislation."

This has been signed by 19 people and I have affixed my signature to it as well.

**Mr. R. F. Johnston:** This is a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead strengthen protection for all workers who do not want to work on Sundays; to not pass the buck to local governments on this issue; and to maintain a common pause day for working people and working families in Ontario."

It is signed by several people and I will now affix my signature as well.

**Mr. Wildman:** I have a petition as well, addressed to the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament as follows:

"That action be taken to ensure a day of pause for enjoying family and friends."

This petition is signed by five residents of Bowmanville, Almonte, London, Toronto and Belleville. I support the petition and have signed my name to it.

**Mrs. Grier:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day so that all people may have physical, spiritual and social health.



We are concerned about the quality of life and the wellbeing of the people of our province and we object to the further commercializing of life through the Liberal government's proposed Sunday shopping legislation."

This petition is signed by seven citizens of the province from the Windsor area, and I am happy to sign it as well.

**Mr. Laughren:** "To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead strengthen protection for all workers who do not want to work on Sundays; to not pass the buck to local governments on this issue; and to maintain a common pause day for working people and working families in Ontario."

**M. Reville:** «À l'honorable lieutenant-gouverneur et à l'Assemblée législative de l'Ontario,

«Nous soussignés demandons la permission de présenter la requête suivante au parlement de l'Ontario:

«Nous demandons instamment au premier ministre Peterson de ne pas aller de l'avant avec le projet de loi qu'il a annoncé, mais de renforcer plutôt la protection pour tous les travailleurs et travailleuses qui ne veulent pas travailler le dimanche; de ne pas se décharger de sa responsabilité sur le dos des gouvernements locaux sur cette question; et de maintenir un jour commun de repos pour les travailleurs et travailleuses, ainsi que pour leur famille en Ontario.»

**Mr. Wildman:** I, again, have a petition. It is addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"That action be taken to ensure a day of pause for enjoying family and friends."

This petition is signed by six residents of Toronto, St. Catharines, Ottawa, Burlington and Espanola, and I support the petition and have signed it.

**Mr. D. S. Cooke:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced,

but instead strengthen protection for all workers who do not want to work on Sundays; to not pass the buck to local governments on this issue; and to maintain a common pause day for working people and working families in Ontario."

**Mrs. Grier:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day, so that all people may have physical, spiritual and social health. We are concerned about the quality of life and the wellbeing of the people of our province and we object to the further commercializing of life through the Liberal government's proposed Sunday shopping legislation."

This petition has been signed by a number of residents of Windsor, Ontario, and I am happy to sign it in support.

**Mr. Mackenzie:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day, so that all people may have physical, spiritual and social health. We are concerned about the quality of life and the wellbeing of the people of our province and we object to the further commercializing of life through the Liberal government's proposed Sunday shopping legislation."

This is signed by 12 residents of the county of Essex, Ontario. I affix my signature to it and I support it.

**Mr. Philip:** I have a petition, signed by nine people in the Windsor area, and it reads as follows:

"To the Honourable the Lieutenant Governor and members of the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day so that all people may have physical, spiritual and social health. We are concerned about the quality of life and the wellbeing of the people of our province and we object to the further commercializing of life through the Liberal government's proposed Sunday shopping legislation."

I have affixed my signature.

**Mr. Charlton:** "To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:



"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day so that all people may have physical, spiritual and social health. We are concerned about the quality of life and the wellbeing of the people of our province and we object to the further commercializing of life through the Liberal government's proposed Sunday shopping legislation."

This petition is signed by nine residents of the Windsor area and I have affixed my signature as well.

**Mr. Morin-Strom:** I have a petition that reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas it is the stated intention of the Liberal government of Ontario to change the legislation governing the conduct of business on Sundays; and

"Whereas the Premier and other members of the Liberal government have stated the government's intention to repeal the Retail Business Holidays Act and to dump this responsibility in the laps of the municipal governments, who have already indicated they don't want it, and

"Whereas the legislature's select committee on retail store hours, representing all three political parties in the Legislature, reported unanimously to the Legislature in May 1987 as follows: 'The committee supports the principle of a common pause day in Ontario'; and

"Whereas the first of 17 unanimous recommendations contained in that committee's report was as follows: 'The primary responsibility for the administration of the Retail Business Holidays Act or other legislation related to retailing on holidays should remain that of the provincial government'; and

"Whereas the report also said, 'The committee unanimously rejects the notion of wide-open Sunday shopping for Ontario'; and

"Whereas the Association of Municipalities of Ontario has forcefully put forward its view that leaving the regulation of Sunday shopping to municipalities is not what its members desire; and

"Whereas a very broad array of trade unions, religious organizations, small and large retailers, groups concerned about the quality of life in Ontario, families and individuals have publicly indicated their opposition to the government's intention on the basis that it will lead precisely to

wide-open Sunday shopping, thereby harming working families and working people; and

"Whereas the government's stated intentions can only increase existing pressures on working people and working families and result in less fairness for them by reducing their ability to spend time together, we urge the Liberal government not to proceed according to its recent statements of intent, but instead urge it to maintain and strengthen the Retail Business Holidays Act, to retain under provincial jurisdiction legislation regulating Sunday work hours and to not pass the buck to municipal governments on this issue, and to give effect to a common pause day for working people and working families in Ontario."

I support the intent of this petition. I will affix my name to it.

**1520**

**Mr. Farnan:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas it is the stated intention of the Liberal government of Ontario to change the legislation governing the conduct of business on Sundays; and

"Whereas the Premier and other members of the Liberal government have stated the government's intention to repeal the Retail Business Holidays Act and to dump this responsibility in the laps of municipal governments, who have already indicated they do not want it; and

"Whereas the Legislature's select committee on retail store hours, representing all three political parties in the Legislature, reported unanimously to the Legislature in May 1987 as follows: 'The committee supports the principle of a common pause day in Ontario'; and

"Whereas the first of 17 unanimous recommendations contained in the committee's report was as follows: 'The primary responsibility for the administration of the Retail Business Holidays Act or other legislation related to retailing on holidays should remain that of the provincial government'; and

"Whereas the report also said, 'The committee unanimously rejects the notion of wide-open Sunday shopping for Ontario'; and

"Whereas the Association of Municipalities of Ontario has forcefully put forward its views that leaving the regulation of Sunday shopping to municipalities is not what its members desire; and



"Whereas a very broad array of trade unions, religious organizations, small and large retailers, groups concerned about the quality of life in Ontario, families and individuals have publicly indicated their opposition to the government's intention on the basis that it will lead precisely to wide-open Sunday shopping, thereby harming working families and working people; and

"Whereas the government's stated intentions can only increase existing pressures on working people and working families and result in less fairness for them by reducing their ability to spend time together, we urge the Liberal government not to proceed according to its recent statements of intent, but instead we urge it to maintain and strengthen the Retail Business Holidays Act, to retain under provincial jurisdiction legislation regulating Sunday work hours, to not pass the buck to municipalities on this issue, and to give effect to a common pause day for working people and working families in Ontario."

This petition is signed by 12 individuals and I have affixed my name, agreeing with their intent.

**Mr. Speaker:** I would like to take this opportunity, as I have on previous occasions, to remind members that petitions are certainly in order, and of course, generally, as the standing order suggests, the material allegations may be put forth; in other words, more simply put. It is maybe not necessary to put all the whereases but the "therefore" is very important.

**Mr. Allen:** Mr. Speaker, I think this petition will delight your heart. It simply reads:

"We are opposed to open Sunday shopping and want to retain a common pause day in Ontario."

It is signed by several hundred people from the Kingston area, including Cataraqui, Kingston, Amherstview, Iroquois, Woodbridge, Napanee, Odessa and the various surrounding communities of that region.

I have affixed my signature to it and I certainly support the petition in its simplicity and in its force.

**M. R. F. Johnston:** Merci. J'ai une pétition.

«À l'honorable lieutenant-gouverneur et à l'Assemblée législative de l'Ontario,

«Nous soussignés demandons la permission de présenter la requête suivante au parlement de l'Ontario:

«Nous demandons instamment au premier ministre Peterson de ne pas aller de l'avant avec le projet de loi qu'il a annoncé, mais de renforcer plutôt la protection pour tous les travailleurs et travailleuses qui ne veulent pas travailler le

dimanche; de ne pas se décharger de sa responsabilité sur le dos des gouvernements locaux sur cette question; et de maintenir un jour commun de repos pour les travailleurs et travailleuses, ainsi que pour toutes les familles en Ontario. »

**Mr. Wildman:** I have a petition and I will be very brief. It is directed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario.

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"That action be taken to ensure a day of pause for enjoying family and friends."

This petition is signed by five residents of Chesterville, Vankleek Hill and Scarborough. I am in favour of this petition and I will add my name to it.

**Mr. Laughren:** I have a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition of the parliament of Ontario as follows:

"We urge Premier Peterson not to proceed according to the legislation he has announced, but instead strengthen protection for all workers who do not want to work on Sundays; to not pass the buck to local governments on this issue; and to maintain a common pause day for working people and working families in Ontario."

This is signed by a good friend of mine, Ron Tranchemontagne of Chelmsford, and I have affixed my name to his petition as well.

**Mrs. Grier:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We believe in the importance of keeping Sunday as a common pause day so that all people may have physical, spiritual and social health. We are concerned about the quality of life and the wellbeing of the people of our province and we object to the further commercializing of life through the Liberal government's proposed Sunday shopping legislation."

This petition has been signed by a number of residents of the province and I am happy to affix my signature thereto.

## REPORT BY COMMITTEE

### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

#### COMITÉ PERMANENT DE L'ADMINISTRATION DE LA JUSTICE

Mr. Chiarelli from the standing committee on administration of justice presented the following report and moved its adoption:



Your committee begs to report the following bill with certain amendments:

Bill 113, An Act to amend the Retail Business Holidays Act.

**Mr. Speaker:** Shall the report be received and adopted?

**Mr. B. Rae:** I was standing to speak on the report as the motion was moved, Mr. Speaker. My understanding of the rules would be that if someone moves a motion, that motion is debatable and we are entitled to debate it, and I intended to launch the debate this afternoon.

**Mr. Speaker:** You are perfectly correct, and I just wanted to put the question, "Shall the report be received and adopted?" We can certainly debate it if the Leader of the Opposition so desires.

**Mr. B. Rae:** I realize that it is not necessarily the case that reports from committees are discussed and debated in the House, but we in our party feel and have felt for so many months that this is a very important issue and an important question and I wanted to put some views of mine on the record, even at this early date in these discussions, and make it very clear to the government and the people of this province why the members of the New Democratic Party, together with hundreds of thousands of people across this province, have been so angry and annoyed with the government for what it has done and why we are going to continue this battle on this question in the Legislature.

1530

De la part des membres de mon caucus et de mon parti, j'aimerais vous expliquer pourquoi nous sommes toujours opposés au Gouvernement; pourquoi nous sommes toujours opposés au projet de loi qui a été présenté par le Gouvernement; et pourquoi nous continuons de penser qu'il n'est pas trop tard pour le Gouvernement de changer d'avis. En effet, il n'est pas trop tard pour le Gouvernement de changer de prise de position et d'accepter la réalité qu'une majorité de la population de cette province a le droit non seulement d'être entendue de façon formelle par le Gouvernement, mais encore d'être considérée sérieusement par le Gouvernement.

C'est pourquoi nous pensons qu'il faut apporter des changements au projet de loi, pour garantir que les gens de cette province auront l'occasion de passer leur temps le dimanche avec leur famille, sans avoir à travailler comme ils le font en semaine.

Eh bien, c'est une question fondamentale, M. le Président. Vous voyant occuper le fauteuil,

je tiens à vous rappeler personnellement qu'au cours de la dernière élection, c'était le chef du Parti libéral (Mr. Peterson) qui disait aux journalistes, le 5 août 1987, qu'il était prêt à accepter le compromis de l'ancien parlement, du parlement minoritaire. En vertu de ce compromis — les gens l'ont dit clairement, avec quelques exceptions, naturellement, exceptions qui sont importantes pour des raisons de convenance — pour la majorité des travailleurs, pour la majorité des gens, le dimanche resterait un jour de congé. Comme je le disais au député de Durham-York (Mr. Ballinger): «Un élément essentiel des élections, c'est l'intégrité.»

Naturellement, nous savons très bien que la parole des politiciens n'est pas toujours prise au sérieux. Mais nous avons tout de même le droit d'insister sur le fait que, quand le chef d'un parti dit, le 5 août 1987: «Oui, j'accepte la nécessité d'un jour commun de repos dans la province», alors, si cet homme change d'opinion, d'avis et de position, et si la position du Parti libéral change d'une façon si claire et nette quelques jours à peine après l'élection du 10 septembre, eh bien, la population de notre province a le droit de dire: «Non, ça, nous ne l'acceptons pas. Nous n'acceptons pas un tel changement, une telle rupture de confiance, une telle rupture d'intégrité entre le chef du Parti libéral et la population de cette province.»

**M. Pouliot:** Le mensonge, le mensonge....

**M. B. Rae:** On se pose des questions sur l'intégrité de ce Gouvernement. On se pose des questions sur l'intégrité du Parti libéral en ce qui concerne cette question de travailler le dimanche. Ce sont là des questions qui ne vont pas disparaître. Ce sont là des questions qui resteront avec ce Gouvernement.

**Hon. Mr. Conway:** No problem with a French leaders' debate for this national campaign.

**Mr. B. Rae:** I want to say to the House today that if the government House leader is saying that he intends to propose a French-language debate in the next provincial election, I accept and look forward to that.

The simple reason we are on our feet today is that this is first and foremost a question of principle for members of the New Democratic Party. We believe that members' time with their families, that workers' time with their families, should be growing and not diminishing in this province as we head into the 21st century.

**Hon. Mr. Conway:** Have you read Dave Cooke's speeches on this subject?



**Mr. B. Rae:** I am fascinated to hear the comments of the government House leader, but I would say to the House leader and I would say to you, Mr. Speaker—

**Hon. Mr. Conway:** You'd never guess who shops in Port Huron, Michigan on Sunday.

**Mr. Pouliot:** You can't do that to our leader.

**The Deputy Speaker:** Order, please.

**Mr. Pouliot:** What about the government House leader, Mr. Speaker?

**Hon. Mr. Conway:** Dave Cooke's speeches do it to me.

**Mr. B. Rae:** Mr. Speaker, these interruptions are part of the give and take, what shall I say, the cut and thrust of parliamentary life. I enjoy it. If the government House leader wants to take up valuable time in this House by heckling members with far less experience than himself, let him do that if that is what he chooses to do. I do not mind it.

I want to say there are really two issues here. There is first and foremost, of course, the issue itself. That is a question which, to us, has been fundamental. Many times people say to me: "Mr. Rae, surely you realize this is basically kind of a 19th-century issue. This is tied up with visions of a province that was tied to a particular religion or group of religions. It is essentially a question of observance of the Lord's day. Surely as we approach the end of the 20th century, you yourself as a member of a progressive party would take the view of asking: 'What is so special or different about Sunday? Why should we have any particular laws protecting the rights of people to stay home on Sunday and the rights of people in the retail trades not to have to work and making sure that people are with their families on Sunday?'"

I would say the answer to that is quite simple. This is not a 19th-century issue; this is very much a 20th-century issue. It is of course for a great many Ontarians, and this needs to be said, first and foremost a question of religious values. All of us in this House should respect that. But it is also for all the citizens of this province a basic question of how we organize our time together as families and how we organize our time together in the workplace.

I am delighted to see the Minister of Labour (Mr. Sorbara) here. I say to him that if he looks at this from the perspective of working time and working hours, it makes no sense to me and no sense to the members of our caucus that we would have a bill that would extend the time when people are working, that would extend the

time when people have to get up early in the morning and catch the bus, if indeed there is a bus service that operates on Sunday where they live. They would have to spend the time arranging child care and spend the time figuring out what kinds of arrangements can be made for their family, instead of being able to spend time with their family.

That is why I say this issue is first and foremost a question of family time, of leisure time, of time off. It is definitely a step in the wrong direction, a step backwards and not a step forwards. That is the question of principle on the policy itself, but there is also another issue and that is the issue I now want to address very directly with the members.

#### 1540

That issue is the question of the integrity of this government in its approach to this entire issue. We had, as I said in French on August 5, a Premier (Mr. Peterson) who said to the press during the election campaign—obviously, I was following what the Premier had to say on a daily basis with considerable interest and I had heard, as one always does in this business, not always directly, that there had been for some time a movement afoot within the Liberal Party to abandon the traditional approach to Sunday shopping and in fact to take the view that there should be open Sundays.

There were many comments and asides. We all know in this business that, for example, the Attorney General (Mr. Scott) many times in this House when debating this issue, and I do not want to be unfair to my colleagues in the Conservative Party, the third party, but I do recall—

**Mr. Brandt:** Which party?

**Mr. B. Rae:** I do not get to say that very often about somebody else, so he will forgive me if I say it occasionally.

I can remember that when the former Leader of the Opposition, the leader of the Conservative Party, Mr. Grossman, floated a kind of balloon saying perhaps the Conservative Party would change its position on the question of Sunday opening, the Attorney General was heard to make some comments across the floor of the House—I am speaking of the 1985-86 period—saying: "Why shouldn't it be a matter for local option? Why should we be making these decisions? Why shouldn't it be left to the municipalities?"

The Attorney General is a persistent man, if nothing else, and this idea had obviously taken hold of him. I had heard that after the compro-



mise of 1987 had been worked out, there was still the possibility that in the middle of an election campaign the Premier might—because he would think it would be the yuppie and trendy thing to do and there were those urging him to make those kinds of decisions—listen to the advice of those in his party who were looking to an issue that would be the equivalent of beer and wine in the corner store, which we all remember with such affection from the 1985 campaign. Instead of beer and wine in the corner store, we thought we were going to have a sort of shop-till-you-drop kind of presentation from the Premier in the election.

So it was with considerable interest that I noted personally on the campaign trail when the Premier obviously said to those advisers: “No, I don’t want to shake the foundation of the province to that extent. I want to keep up with the compromise that was maintained and I don’t want that to be an issue and I don’t want to make that an issue.”

Therefore, the Premier told the voters of Ontario this: “Look, don’t worry. There is no other Liberal agenda out there on this question of Sunday opening. If you support the position that I am taking”—I am trying to get my colleagues to listen here. It is not always easy, I might add. The leader of the third party knows how difficult that can be.

**Mr. Brandt:** The which party?

**Mr. B. Rae:** The third party.

What happened? The Premier told the voters in August that there would continue to be, in this province, a common pause day. That was the Liberal Party position in the election campaign, not of 1887 but of 1987, the one a little over a year and a half ago.

Mr. Speaker, you can imagine not my surprise because—

**Hon. Mr. Sorbara:** Nothing surprises you.

**Mr. B. Rae:** The Minister of Labour said nothing surprises me. I can tell him nothing surprises me about the Liberal Party. Having watched it in its federal incarnation and now its provincial incarnation, nothing would surprise me about what the Liberal Party will do in order to maintain its hold on power.

What I was hit with was a sense of profound disappointment that the government would have so deceived the voters into believing they could still vote for the Liberal Party and maintain that common pause day which is, I suspect, the view of the vast majority of people of this province.

**Mr. Ballinger:** Amen.

**Mr. B. Rae:** Thank you, brother. If you want to come up here, if you have something to say, just come here.

**Hon. Mr. Sorbara:** Kneel down. I will give you my blessing.

**Mr. B. Rae:** If I had a ring, the member for Scarborough West (Mr. R. F. Johnston) would not have come close to it, I am sure.

I want to say that this question of integrity lies at the heart of why this issue has aroused the population the way it has. It is basically a question that has not been dealt with in a straightforward fashion by the Liberal Party of this province. They promised something during an election campaign and they did the exact opposite.

The reason I am speaking to this motion now is because we had to fight very hard indeed to get the Liberals to recognize that this issue had to go to committee, that it had to have province-wide hearings and that people had the right to be heard. The Liberal Party wanted to get this thing through last year and hoped everybody would forget about it.

We know full well that is not what happened, but we also know the Liberal Party did not really listen to the people who presented their views. My colleagues who were on the committee are going to be speaking very directly about why they cannot support this reporting of the committee’s report for the simple reason that the Liberal Party said it would listen to people and it did not listen to people.

There were over 400 people presenting briefs to the committee who said: “You have to get rid of section 4 at least or change section 4 or amend section 4. Do something to deal with the incredible powers you have given to municipalities.”

The member for St. Andrew-St. Patrick (Mr. Kanter) has been such a loyal servant of the administration. I am sure his efforts on behalf of the administration will not be overlooked. In fact, I suspect that if there are ever rumours of a shuffle taking place on that side, the member for St. Andrew-St. Patrick will be walking around with a portable telephone in his briefcase, waiting for that call. Any call will be answered. I know that and I can see it in his eyes.

This government did not listen to the people who presented briefs. It did not listen to all the groups whose views have been so effectively summarized by the legislative research service and whose views are contained in this brief. We have a list of the organizations and individuals appearing before the committee. That list is 20



pages long. It contains over 400 briefs of which only 26 were, in substance, in favour of the government's approach to this legislation. If that is not an overwhelming condemnation of a piece of legislation by the people of this province, I do not know what is.

Many people ask me: "What is your approach going to be to this bill? What is the approach going to be from the New Democratic Party?" I can only tell the government this: I said to them when they brought in this bill on first reading that we would fight it. We have fought every step of the way, using the one tool we have in the parliamentary repertoire, and that is time.

We are going to use whatever method we can in terms of time to get this government to change its mind on the issue of substance. The matter of substance has to be listened to. The people of Ontario did not vote in 1987 for a party that said, "Vote for us and you will get wide-open shopping on Sunday." They did not vote for that kind of party. They voted for a party that said, "Vote for us and we will keep things exactly as they are when it comes to Sunday."

That is the party they voted for and that is not the party they got. They got a party that changed its colours, changed its tune, changed its policy and changed its commitment to suit the louder voices, to suit the bigger commercial interests that have been pressing back on this government to do what it is doing.

I say this government does not deserve the co-operation of the opposition. Frequently it is asked, "Why don't you co-operate?" I say this: They will not get any co-operation from the New Democratic Party when it comes to bringing in a bill to open up Sunday shopping across this province. They will not get that co-operation.

**1550**

We intend to use every opportunity for discussion that is presented to us in this House to put forward our view and to try to persuade, if we possibly can, the government to listen, not to us but to those thousands of people out there who presented their views to the committee and who were ignored by an arrogant, big, fat Liberal Party sitting on a 94-seat majority.

It is on behalf of those people that we are speaking. It is on behalf of the people in my riding, who I know, in the majority, are opposed to this legislation. It is on behalf of the people who we know who have written us, who have petitioned us, who have talked to us, who have come to us and who have said, "Look, Mr. Rae, I work six days a week; I don't want to have to go to work on a Sunday," who say to us: "We don't

want to have to see Sunday as a day that's like any other. We want Sunday to be a special day for us and for our families."

That is what this fight is all about, and I can tell you, Mr. Speaker, that fight is not yet over.

**Mrs. Cunningham:** I would like to take this opportunity to speak to Bill 113 on behalf of the many citizens across this province who have relayed messages of tremendous disappointment in the Liberal government to members of our Progressive Conservative caucus.

Bill 113 is an amendment, of course, to the Retail Business Holidays Act. We have learned in the past couple of years that there were some problems, in the eyes especially of this tremendously large Liberal majority government, in enforcing this particular piece of legislation.

We were not aware of them across Ontario, because most towns and villages and cities were more than capable of dealing with Sunday openings within their own jurisdictions, and in fact, if they so chose, they designated their particular municipality or part of their municipality a tourist area, and therefore at particular times of the year were able to open on Sundays.

I think the Retail Business Holidays Act in this province is one that we should be proud of and one that has served us for many years in Ontario, and is in fact one that very much supports a common day of pause.

**Mr. Ballinger:** Talk to some of your former Attorneys General. Talk to George Taylor. He said it was a piece of junk.

**Mrs. Cunningham:** However, the member for Durham-York (Mr. Ballinger) and I both agree that there are some flaws in that legislation, and because the member is so tremendously vocal on these kinds of issues, we listened very carefully to his positions in the committee and agreed that in fact the fines should be increased, although the public did not understand that, because quite frankly, the fines that have been levied in our province are very small ones and we have not used the kind of ammunition we have in this legislation to make it work.

But we did listen and we said, "Well, maybe, just maybe, they ought to be bigger." Therefore, we came up with an amendment that we all agreed with, that every elected person on that particular committee agreed with, and we have made an improvement to this Retail Business Holidays Act.

The second amendment that everyone agreed with, at the urging, with due respect, of the Solicitor General (Mrs. Smith), was the power that the government felt it needed with injunction



procedures. If in fact somebody is flouting the law, we have said, "Close them down." Therefore, this particular piece of legislation has been amended via the the avenue of Bill 113, and we approve of this, to allow for an injunction procedure.

There is a third part that I am not very excited about. It has to do with the public input process that is in place in most municipalities across this province, but in fact the Liberal members of the committee assured us it was necessary and I believe most members probably voted in favour of that, although I do not think we needed to go across the province for public hearings to discuss any one of those amendments. They were a given; they were something that the public of Ontario should not have been charged with. I am talking in dollars. There was no need to go across this province for that kind of input.

The reason that both opposition parties agreed to debate on Bill 113 at all was because of a certain part in the amendments and that was section 4. That is the part of Bill 113 that contains the amendment that the people in the province of Ontario almost unanimously objected to. Of course, we thought that there might be some hope in taking the bill to the people in this expensive public hearings process that we all agreed to. We thought if the people spoke for themselves in their own ridings to the people who represented them, perhaps democracy and good common sense would prevail and the representatives of the people could be persuaded.

It seems to me that over a long period of time, many of us travelling together, the public did really try sincerely to influence their own elected members as well as the members on the committee, all of us. In fact, the government—

**Mr. Villeneuve:** On a point of order, Mr. Speaker: Could you check if there is a quorum present?

**The Deputy Speaker:** Please check the quorum. A quorum is present, yes. The member for London North may proceed.

**Mrs. Cunningham:** Thank you, Mr. Speaker.

Interjections.

**The Deputy Speaker:** Order, please.

**Mrs. Cunningham:** Mr. Speaker, I was talking about a person's ability to listen. I just wish the television cameras could move a little bit to my left to see some of the members who have been elected in this House to represent them. They really are not good listeners,

although there are some who can listen and talk at the same time.

**Mr. Faubert:** There are none behind you. Where are they all?

**Mr. Fleet:** It's amazing, eh?

**The Deputy Speaker:** Any and all members who wish to address the issue will have a chance to do so, but one at a time, please. The Speaker recognizes only one member at a time and that member right now is the member for London North.

**Mrs. Cunningham:** I would like to address the issue of listening because, quite frankly, people are interested in this particular debate this afternoon—and there are many who do watch the proceedings of this House and carefully monitor the people they have elected to represent them. The one thing I can assure them of is that the committee members were listening; there is no doubt. They did not like what they heard, and I do not expect that they will be voting on this legislation in order to represent the people who elected them.

We have a number of letters that were sent out by the Liberal members of this House to their constituents, in which they are, quite frankly, confusing the electorate by saying they support a common pause day.

**Mr. Faubert:** Who is confusing now?

**Mrs. Cunningham:** I am not saying they are doing it on purpose, because many of the Liberal members are confused themselves. When you are confused yourself and have never had to make a clear presentation, then you do not really know just how to present your case. That is the problem really.

**Mr. Ballinger:** I saw your case. I saw your drugstore case.

**The Deputy Speaker:** Order, please.

**Mrs. Cunningham:** It is a very simple issue. If one wants to include as part of the framework of the legislation a common day of pause, there is only one way to do that and that is to make the common day of pause part of the legislation of the province of Ontario. That is part of this framework.

Interjections.

**The Deputy Speaker:** Order, please.

**Mrs. Cunningham:** Now it is no longer part of this framework. Section 4 says that the framework now has been delegated to the municipalities. Members should not get confused; it is very simple. As long as a municipality wants to support a common pause day, it can do



it. But members should never, never, never go to their constituents and tell them that the amendments to this act, Bill 113, support a common day of pause, because they simply do not. That is very clear.

**1600**

The election promises of 1987 have not been upheld. Of course, we could stand here today and it would take us some number of hours to go through the election promises that have not been upheld. We are now talking quite simply about class size, about tax increases, about issues to do with the environment, about community health care. We can talk about all kinds of issues that were presented as part of an election platform, and those promises have not been upheld.

But the one we thought would not be a priority of this particular government was changing a piece of legislation that, for the most part, is working. Why would anybody expect to have been elected in September 1987 and to have started that December—almost a year now; in fact, more than a year—putting our time and our energy into discussions around a bill that is not needed or wanted in this particular province?

Interjections.

**The Deputy Speaker:** Order, please.

**Mrs. Cunningham:** I think it is interesting that when we became members of the committee early on in the deliberations, we really were listening to the Solicitor General and to the Minister of Labour as they told us there were such problems with this legislation in the courts. Not once could they ever show us where this piece of legislation has not been upheld in the courts. I will tell the members that right now.

Where they had shown us there was a problem, we fixed it. Where we do not have a problem is with the municipal option: it is totally irresponsible. Why would this government feel so strongly about aligning the quality of life to the American style? I find it absolutely—

Interjections.

**The Deputy Speaker:** Order, please.

**Mrs. Cunningham:** It is very difficult to understand how a party could be so much opposed to free trade and so much in favour of shopping on Sundays. They do not know what direction to move in.

I wish I were here today speaking about health. That was our plan. We had planned to come here this afternoon to talk to health care, because right across this province right now, there are many people in their homes, waiting for someone to come to help them: help them with their meal

preparation, help them with a change in dressing, help them get their hair washed and take care of them. They cannot get that kind of help.

What are we doing? We are in here wasting our time on an amendment that is neither wanted nor required in this province.

Interjections.

**The Deputy Speaker:** Order, please. May I ask the members again to respect the member's right? If other members want to participate, they will have their turn afterwards, not during this presentation.

**Mrs. Cunningham:** Thank you, Mr. Speaker. I think respect in this province is something which is lacking in some persons and I think people in this Legislative Assembly should be setting a good example starting now.

I would like to continue with this debate, because I think it is an important one and it has a lot to do with the quality of life. Although we talk in terms of a common pause day, to some people that is not a phrase that is taken lightly, as we are seeing this afternoon in this Legislative Assembly. It is a day that is very important to family life in Ontario.

In these busy times, I think people really cherish time together, especially people who have young children, especially people who have elderly in nursing homes, especially people who are very busy during the week, who very seldom get a time to be together and who plan their Sundays as a time of rest, as a time of pause. It is very important and we are very proud in Ontario to be able to say that we have been able to support that kind of lifestyle.

People like to come to our province and they want to live here. We are jeopardizing that particular quality of life. I can remember a few years ago, not many, as a young girl growing up in Toronto, a discussion around our dinner table about stores opening on Friday evenings. As one store opened, another store opened. Then we had discussions around our dinner table with respect to stores opening on Thursday evenings. The big issue in my home was whether or not the teenagers would be allowed to work on Thursday nights, because they had to go to school the next day.

We have lost a lot because of store opening hours, which are with the municipalities now; that is their responsibility. The one responsibility that they do not have right now is the ability to open more stores on Sunday. People refer to it as wide-open Sunday shopping.

At one time, we did enter into a debate in this province around whether or not tourist areas



could open on Sundays. We know across this province that for certain times of the year tourism was promoted and retail stores did open on Sundays, and they do now.

With this amended legislation what happens is that those tourist areas will be allowed to stay open—some of them for as long as they choose to—up to five years. For the very large tourist operations in northern Ontario, the proprietors of those particular business establishments—of course we should be grateful to them for having that kind of industry and incentive in the province, as that is what it is all about, tourism being a very large industry—asked us how they could plan their businesses, if they now had to go to the municipalities to remain open.

**Mr. Fleet:** Just like they do Monday, Tuesday and every other day of the week. They go to the municipalities every other day.

**Mrs. Cunningham:** No. It bothers me a lot when we have members of this Liberal government going around this province misleading the public, because they do not understand the implications of these very, very difficult and unnecessary amendments. That is what is happening.

**An hon. member:** That's unparliamentary, Mr. Speaker.

**Mr. Ballinger:** Unfair, unfair. Outrageous, outrageous.

**Mr. Cureatz:** Sorry, guys. She's right. No conscience whatsoever, those Liberal backbenchers.

**The Deputy Speaker:** Order.

**Mrs. Cunningham:** The fact of the matter is that municipalities can open stores on Sundays or they can close stores on Sundays. They have the right to do that. I think that many of them should have been listening to the members of their own parties who were on the committee and should have taken the time to ask questions, because they certainly understood the legislation.

Mind you, the real problem there was that they also had their marching orders. Their marching order was, "It does not matter what the public says, we will vote for section 4." As the Premier said on day two of the public hearings, "Section 4 is not negotiable." Can you imagine? What else were we out there for? Everybody agreed to everything else. This was a sham.

**Mr. Fleet:** You were out to waste time.

**Mr. Cureatz:** The public wants to be heard.

**The Deputy Speaker:** Order, please.

**Mrs. Cunningham:** As a result, we now have a shoddy Bill 113, which will not meet the needs of the public and which will encroach on the quality of life across this province.

I would like to close with a couple of observations. I would like to go back to the beginning. When I was in a by-election in London during the month of March—

**Mr. Cureatz:** The Liberals don't want to hear about this.

**The Deputy Speaker:** Order, please.

**Mrs. Cunningham:** —I was very much surprised to hear that Sunday shopping was such a large part of the public agenda. In fact, on the second day out, as we were knocking on doors, I was quite surprised that people were so concerned. I did not understand this issue as well as I perhaps should have.

In London, Sunday shopping was not anything that ever had been entertained by our municipality. As a result, the issue became a very big one. We are here now representing London North, quite frankly, based on three issues, a procedure or a process around Bill 30 which divided communities on the accommodation problems to do with secondary schools in this province. I am happy to say that the process has never been put in place again since that by-election. For me personally, the people I represent and the many students and families, it has been quite a success story.

**1610**

The second issue in that by-election was the high taxes, but more specifically, the sales tax. I am sure this government will live to regret that particular decision.

Above all, the issue of Sunday shopping is one that will never be forgotten by the public in Ontario, because this bill will probably be more divisive in its implementation than Bill 30 could ever pretend to be.

New Brunswick has lived for the last two years with a piece of legislation that in fact did give the power and the responsibility to the municipalities to decide what additional retail establishments would be open on Sunday. As a result of many, many divisive community arguments and expenses to the municipality in public hearings, paying lawyers, more transportation, more day care—because of those kinds of issues and the divisiveness and a bill that just did not work—that particular government had the courage to retreat from the local option. They now have a process in place that leaves the responsibility for Sunday



opening with the government of New Brunswick.

We were in consultation with that particular Liberal government, and it has advised us over a number of hours of its process. We tried to adopt it. We presented an amendment in committee, and it did not take more than five minutes for the Liberals on that committee to defeat an amendment that would have solved the problem for them.

**Mr. Ballinger:** It would not have solved the problem. Cut it out. You can't be serious.

**The Deputy Speaker:** Order please.

**Mrs. Cunningham:** Speaking about solving problems, I think the only way the people in Ontario will solve the problem of this Liberal government is to defeat it in the next election. I suggest that many of the Liberal representatives in their own ridings will very much—

**Mr. Ballinger:** That is the most ridiculous statement I have ever heard.

**The Deputy Speaker:** Order please, the member for Durham-York.

**Mrs. Cunningham:** I suggest that I do not have to preach to those representatives. They know who they are. They were singled out quite clearly by the constituents in their own ridings as we travelled across the province.

I suppose I can only say that we do have some amendments that will improve this particular act. We have one amendment, section 4, that is not acceptable, not needed and will not work. It will be extremely expensive. It does not take into consideration the people who are working on Sunday.

I would like to make that the last point in my observations this afternoon as we try relentlessly, and to no avail, to persuade this large Liberal majority government to listen to the people, because that is not what it is doing. It is listening but it does not hear, and there is a difference.

I think we should all be concerned about the real issues here, and the issue is working on Sundays. We know, and the groups that appeared before us know, that in fact the people who will have to work on Sunday in the retail business establishments are mainly women, many of whom are single parents and earning minimum wage. The employers have told us what their problems will be. Employees have told us that they perhaps would seek another line of work.

For different reasons, the nurses are seeking other lines of work; but many times for the same reasons. One has to do with what a person does and how much he or she enjoys it. The other has

to do with working evenings and weekends and being away from one's family for a very poor wage rate. That is where the nurses and the retail workers are the same, and that is why they are changing their professions.

For those people who are born to shop, they will not like what we are saying today. But when we take the time to explain it to them, and I am including seniors, who have more leisure time, they assure us, as representatives of the seniors' groups did at the committee hearings, that they too are concerned about people who have to work on Sundays.

In closing, I would like to say that this large majority Liberal government has not listened to the input. They have not paid any attention to the hundreds of people and groups who presented themselves before the committee and to the absolutely thousands of people who have written to us and advised us through petitions that they really do value, in this society, a common day of pause. They have advised us that they do not know what to do next. They do not know where to go.

Yesterday afternoon, as we referred some 14 or 15 phone calls just in the process of the afternoon—we should have sent the phone calls to the Liberal House leader, but we did not, we sent them to the Premier—as I was on the train back to London to speak on Sunday shopping, I should tell the members that people were really depressed about what to do next. They just do not know how to persuade this Liberal government to back off from an amendment that is not needed, not wanted and is costly and divisive in our communities.

I would like to take the opportunity now to ask the Liberal government to consider, as we have done all along, as part of the strategy around retreating from a piece of legislation that is not necessary and that is not wanted, perhaps what we could do is take the time to look at an amendment that includes what the Liberals consider a bit of a problem for them, and that is the definition of tourism.

It seems to me that if something is a problem, you ask the people in the industry and in the field out there to help you fix it, and so we did. As each of the almost 300 presenters came before the committee, we asked them four questions.

We asked them if they were in favour of a common day of pause, and even Mr. Magder said yes to that one.

We asked them if in fact they thought that a common day of pause was part of the framework



of Bill 113, and they unanimously said they did not.

We also asked them if they felt they could assist us with the definition of tourism, since that seemed to be a problem for this government. It does not seem to be a problem out there in the municipalities or in the courts, but it seems to be a problem for the government.

There were only two or three who felt, for different reasons, that they would not be able to make a commitment or to offer us any assistance in that definition; but 267 groups and individuals said that if they were asked—and of course we would not want a committee of 267; that is almost as bad as having 94 Liberals in the House. We really would not ask that many, but we could go so far as to get a representative from many of the groups. They were very much interested in assisting us with the definition of tourism.

One group that showed a particular interest, of course, was the Association of Municipalities of Ontario, which the Solicitor General had stated she had consulted with. It was a very embarrassing moment when we had to listen to the representatives from that association advise us that in fact they had not been consulted. Therefore, no one wants to get in the middle of a public argument around those kinds of petty issues, but if they had been consulted, they were ready to help us again.

#### 1620

I should say that the definition of "tourism" is something we should be working on and something I feel could be resolved. I do not think the Liberal members on the committee were very interested in finding a resolution to the problem. We put forth our amendment that suggested we call the different groups together and over a period, I think, of 30 days—it was not very long—we could indeed come up with some kind of a recommendation that would assist the government with its concern around that definition.

I do not think the public should be confused by the fact that the Liberals on the committee were not interested in the input there nor of any assistance, as we had advised the members who were willing to assist us. I think it was a great disappointment to them that they were not asked and the government was not looking for an alternative to a piece of legislation that is not acceptable to the public.

I do know that when we were talking in the committee about the quality of life, I thought a very good example of concern came from representatives who came to the committee from

Metropolitan Toronto. Since that seems to be the great concern of this Liberal government, because other parts of the province are not experiencing difficulties with the present legislation, I thought it was interesting to hear a group representing the St. Clair West Business Association.

They were two women who talked about their quality of family life and how hard they work on St. Clair Avenue West in their small business. They talked about their neighbours who also happen to have small businesses along that very busy avenue in this very large city of Toronto, a city we hope we can remain proud of and proud to live in.

With this kind of legislation, I would suggest the quality of life in many parts of the downtown and inner city of Toronto will be very much changed. One only has to travel along Spadina Avenue on a Sunday to notice that. I feel quite badly for the people who live in that part of our community because, quite frankly, it is very busy and there does not seem to be any rest for the people who are working in those small retail shops. We did take the time to visit on Sundays on a couple of occasions and ask those people just how they did feel. They really wish they were not having to open their shops on Sundays.

The people on St. Clair Avenue West described the traffic and the busyness of a six-day workweek. They also described the tranquillity of a Sunday, even living on a busy avenue like St. Clair in Toronto, and they want to keep for themselves that one day of what they describe as tranquillity. They are not interested in meeting the needs of the born-to-shoppers. They are not interested in giving up the one day they have with their families.

What they are interested in doing is being able to continue with a lifestyle that is important to them and is important to their families. I thought they made a wonderful case before the committee. In fact, Liberal committee members took the time to leave the hearing room after that particular presentation to discuss and try to persuade those particular presenters of their case. They certainly did meet a very strong resistance, not only from the two very articulate women who made the presentation but also from their teenaged children who wanted the same quality of life they have had growing up in the middle of a very large city, the city of Toronto, on a very busy main artery, St. Clair Avenue West. They wanted to maintain the quality of life. They wanted to live, as we might say, downtown. They wanted their children to be close to the



museums and to the wonderful opportunities that this city has to offer but they also wanted that street to be particularly tranquil on a Sunday. That is not what they are going to get, we can assure members.

We talked a lot in the committee—certainly, the opposition party members talked a lot—about the domino effect. I should tell the House that the Liberal members of the committee talked as little as possible about the domino effect, because, quite frankly, they know that is going to be the effect of this legislation.

We have precedent for that right here in this city, and I have already discussed it. We have precedent for opening on Friday nights, Thursday nights and other weekday nights, because that was the responsibility of the local municipalities and they did bow to the requests of retailers. Therefore, they are open in the evenings. What we do not need is an extension of these many hours of shopping to bite into the rest of our time during the week; that is, to take away the opportunity, if we so wish, to stay home on Sundays.

I chose my words carefully: “if we so wish.” I think it is an absolute joke that this Liberal government, which has hired over 8,000 new bureaucrats to help it make decisions, and no one could possibly believe that the high-priced help around here could even write a bill such as Bill 114. We will get our chance in committee to talk about that, so I do not want to waste the members’ time. They accuse us of wasting their time, but I would like to say that I wish there were some way that we could help this large Liberal government out of its dilemma.

We tried during the fall of 1988 to be not quite as high profile on this particular piece of legislation. In fact, many of the communities across the province wondered just what was happening to Bill 113. When they phoned and asked us, I said, “I really think the Liberals understand the mistake they have made, and they are probably contemplating taking the bill away and withdrawing the legislation or just letting it fall between the cracks.”

On the first day in this House, April 12, 1988, when I came here to represent the citizens of London North, the Premier advised me that perhaps I would come to understand the genius of this bill. I have never heard anyone say that since. There is no genius in this bill. The only genius in this bill would be the withdrawal of the bill. Quite frankly, that is what should happen.

I am a little bit surprised to hear from a couple of municipalities that are telling me right now

that they have been put on hold for public meetings around Sunday openings. They happen to be within greater Metropolitan Toronto. I was very surprised, given the position of the Association of Municipalities of Ontario and the most recent election in this province—I am now talking municipal election—that anybody would consider going before any municipal council in this province for a period of time.

I was rather thinking that the Liberals might just pass this piece of legislation and hope that nothing changes, because most of them say nothing will change, if anyone can imagine going to this expense to pass a bill where nothing will change.

I was rather hoping that we would not be presented so quickly with these kinds of situations where municipalities will have to go through a public hearing process, which will cost money obviously. When one puts ads in newspapers, one takes up the expensive time of staff. When one takes up the valuable time of the public, which I happen to cherish. When people come before committees, they do so having given what they are going to say a lot of thought. Having the responsibility of often representing laypersons in the public is an extremely serious occasion for them.

#### 1630

I will close by saying that this legislation is expensive in two ways. It is costly in dollars to the municipalities, the province of Ontario and ultimately the taxpayers. It is costly in a way that is even more important to all of us, and that is it will affect the quality of life of families in this province, and very negatively.

Because of the health crisis and the nursing shortage, I think we should put off this further discussion on Sunday shopping until tomorrow. Therefore, I move adjournment of this debate.

**The Acting Speaker (Mr. M. C. Ray):** If I could deal first with the motion to adjourn by the member for London North, I have had a chance to confer with the table officers. A motion to adjourn at this stage in the proceedings of the House is contrary to the standing orders until such time as we reach orders of the day and cannot be entertained without unanimous consent. I will ask, is there unanimous consent to adjourn? There is not unanimous consent. Accordingly, the motion by the member for London North is out of order.

**Mr. Harris:** On a point of order, Mr. Speaker: Given that you have ruled that the motion is out of order, I would ask this under standing order 38(a).



We all think Sunday shopping is very important. However, it has been debated for some eight months and it will be debated perhaps for another eight months. As far as our party is concerned, that may very well be the case, but I would indicate that as important as Sunday shopping is, it is not as important as what we consider to be an emergency. People are dying every day because of a nursing shortage. We are looking at some 40 cancellations of surgery of young children at the Hospital for Sick Children now.

In light of that, I would ask for unanimous consent to allow this debate on Sunday shopping to adjourn for today so that we may get on to what we think is truly an emergency and truly an issue that should be debated today.

**Mr. D. S. Cooke:** Certainly this caucus would have no objection to unanimous consent to move on to the emergency debate, obviously, on the understanding that the motion dealing with the report on Sunday shopping would not be dealt with at this time, so that this debate that we are now engaged in could continue at a future time in the Legislature.

On behalf of this caucus, I must say that we did feel uncomfortable not being able to proceed with the health care emergency debate. We have been raising questions and statements in this House literally for months. It is because of that that we have filed an emergency debate on this subject for tomorrow so that if there is not unanimous consent from the government to proceed with the emergency debate today, we will be dealing, I would hope, with the emergency debate tomorrow afternoon at the latest.

**Hon. Mr. Conway:** I would just like to make a couple of observations. I came here today and indicated before we began at 1:30 p.m. the government's willingness to entertain the emergency debate, the request standing in the name of the leader of the third party. We, as a government, are quite willing to discuss that matter. Quite frankly, I had come here today expecting that that is what we would be debating.

I also want to indicate, on behalf of the government, that we expect a good, vigorous debate on Bill 113 and Bill 114, the first of which is being reported here this afternoon. I want to say to my honourable friends opposite and to the House generally that the government is quite prepared to move forward in a consultative way.

In fact, I might make a suggestion, as I had tried over the lunch hour but it was not possible, for a number of good reasons, for the House leaders to have a brief meeting to discuss matters, it might be perhaps useful if this debate were to

continue for a few moments longer while the three House leaders could repair to one of the adjoining rooms to see if we cannot very quickly decide this matter and organize the business of the House for today and perhaps tomorrow.

I want to co-operate. We want to get on with the business of the province and I think there is a way to do that. I would suggest that perhaps if the House leaders could take just a few moments, and this debate were to continue for a few moments, we could come to an understanding and I would hope move on this afternoon to the emergency debate that had been sought by the member for Sarnia (Mr. Brandt).

**The Acting Speaker:** Could I just interject here? We now have two proposals. One is an effort to reach unanimous consent on a motion to adjourn the debate, which has failed for lack of unanimous consent and which I have ruled out of order.

Now we have another proposal for a House leader's debate, which is not pertinent to the matter which is before the House at this moment. What we have before us is a motion by the member for Ottawa West (Mr. Chiarelli) that the report of the standing committee on administration of justice be received and adopted. I want to recognize the next speaker with respect to that motion, after having first asked if there are any comments or questions on the speech by the member for London North (Mrs. Cunningham).

**Hon. Mr. Conway:** If I might, Mr. Speaker, just on that previous point, I want to be clear, just so there is no misunderstanding. The government is quite prepared to grant the consent required to adjourn this debate to move on to the emergency debate which had been sought by the member for Sarnia. I can quite happily give the assurance that we will try, at the earliest opportunity. I am just anxious to have a House leaders' meeting so we can sit down and come to an understanding of how we will proceed beyond that. I just want to be clear on the government's intention.

**Mr. Harris:** If I might, very quickly, Mr. Speaker—

**The Acting Speaker:** Well, this could go on endlessly.

**Mr. Harris:** This might clarify something. The member for London North has not relinquished the floor. She is a long way from being finished her remarks. She asked for adjournment. You ruled that out of order. Now we have asked for consideration of unanimous consent, which I think might be able to be found. We now have a suggestion from the government House



leader: Let's just adjourn for two minutes. I suggest you take that advice from the government House leader, which I would support, and we will come back and I think things will fall into place.

**The Acting Speaker:** I therefore request that the House leaders meet privately rather than here in the chamber. The chair recognizes the member for London North, to continue her address.

1640

**Mrs. Cunningham:** I think it is interesting to note that across Canada there are many Sunday closing laws. In the province of Newfoundland, they do not talk about Sunday shopping. They talk about a Shops Closing Act. Obviously, the priority of that particular government is to close stores on Sundays and not to open them.

I think it is most important also to look at Prince Edward Island, where we are talking about a Days of Rest Act. I noticed when the Liberal government brought forth Bill 113, it did not call it an act in support of a common day of pause at all. In fact, "a common pause day" is not to be found in Bill 113, nor is it referred to, but in Prince Edward Island we have a Days of Rest Act.

In Nova Scotia we have a Retail Business Uniform Closing Day Act—the incentive there.

Let's talk about British Columbia. They call it a Holiday Shopping Regulation Act. You can all shop on holidays in British Columbia.

That is exactly what this act is: a holiday shopping act. You can shop on any holidays you like and you can shop on Sundays if the municipalities think it is okay, the problem being that if one municipality says it is okay we know by precedent in both Alberta, as we have heard, and certainly in British Columbia—and, more important, also in New Brunswick—that is exactly what happens.

If you have a holiday act, you shop on holidays. If you have a Sunday shopping act, you shop on Sundays, unless you have a province where the leadership and the government says: "Uh, uh. No way are we going to support a Sunday shopping regulation." Therefore, basically, except in British Columbia and Alberta, we have Sunday closing laws across Canada.

I should take just a few moments to get back to what this is all about for people who have just tuned in, as they are starting to prepare their dinner, to the Legislative Assembly of Ontario to take a look at the greatest soap opera of all, which is free for people who would like to come down here and watch the people who represent them here in the Legislative Assembly of Ontario.

The hours are 1:30 until six o'clock, and if you want to come and listen to your Liberal representative speak in favour of Sunday shopping, I would suggest that you should phone that person. Pick up your phone and ask them when they are coming down to speak in favour of Sunday shopping. We will not hear it. We will hear a bunch of rhetoric that has nothing to do with the real issue, and the issue is people working on Sundays.

As you know, we do have a few members who really do not understand the implications of this legislation but try to the best of their ability, which I respect. I can understand their position if, number one, your government never said it was going to do anything about the Sunday shopping act when you decided to run for the Liberal Party in Ontario in September 1987. If you did not know you had to deal with it, if it was not an election issue and you came down here believing the one statement that the leader of the Liberal Party made at that time, "No, we won't fiddle with that piece of legislation; we have more important things on our plate," then I suppose you would come down here expecting, as I did, to deal with issues such as health care, education, the environment and just a few other important things that the province should be most concerned about, meaning making policies instead of reporting things to death and studying things to death.

I would suggest that if you are watching this show, you should really phone your Liberal member and tell him or her that you understand why he or she was confused about this legislation being introduced, because who would have guessed that the leader would have done such a thing.

After having done that, the next question ought to be, "Are you going to vote in favour of Bill 113?" If you are watching, make sure that you ask that question.

If they say yes, remember that they were not listening, not only to yourself but to your neighbours who have, over a long period of time and many, many months, advised us in the hundreds of thousands that they do not want to work on Sundays unless it is absolutely necessary; they do want to spend the time with their families. They thought the Liberals were in favour of a common pause day. So ask, "What the heck are you doing voting in favour of the bill?"

That is what they should be saying. Mr. McGuinty especially should be listening, be-

cause we were up in Ottawa, where everybody came and said—

**Mr. Cureatz:** It was wild.

**Mrs. Cunningham:** And Mr. Chiarelli, as well. He is not here right now. It was wild. You could not believe it.

I should say that the one thing I can say about the standing committee on administration of justice which travelled this summer is that all of the members respected each other and worked well together, including my colleagues.

**Mr. McGuinty:** On a point of order, Mr. Speaker: The member for London North has used my name and also the name of my colleague the member for Ottawa West, the implication being that we are friends and familiar, from which she might gain a certain credibility. I ask her to withdraw both names, please.

**Mr. B. Rae:** What name would you like to be called by, Dalton?

**The Acting Speaker:** All members are reminded that they are, by tradition, expected to address each other by the riding which they represent, rather than their personal names. The member for London North.

**Mrs. Cunningham:** Thank you, Mr. Speaker. I do apologize. I should have known better, but I am sure that the member for Ottawa South would not want me to misquote him, so I will read the letter that he did write.

This was on February 18, 1988, to Tom Ross, chairman of the Coalition Against Open Sunday Shopping, 1231 Yonge Street, Suite 209, Toronto, Ontario.

"Dear Mr. Ross,

"Thank you for your well-written and thoughtful letter, dated February 10, 1988."

If I can interject. I am very impressed with the member for Ottawa South, I really am. I note that he received the letter on February 10 and responded on February 18, and that is terrific. I just have to say that. However, he goes on to say:

"Many others have raised the same concerns and you have my sympathy and understanding.

"I can assure you that your views will be forcefully expressed when this matter comes up for debate.

"Yours truly, Dalton McGuinty, MPP."

I would challenge the member for Ottawa South to forcefully express the views of Tom Ross, the Coalition Against Open Sunday Shopping, when he has the opportunity to do so in the House. I would not normally have read that letter into the record, but I can understand that the member was concerned about me.

I am not sure whether another member would like us to read a letter which he—

**Mr. Cureatz:** Yes, let's hear some more. More, more.

**Mrs. Cunningham:** I really am trying to make an impression here on the elected Liberal majority government in the province. I do not want to upset them, and although I have mentioned the member for Ottawa South, he did express himself well on the committee and, although I did not agree with him, I very much enjoyed the contribution that he made.

What I did not enjoy was the abuse he took in Ottawa South, because I do not think that the public should be electing people to represent them based on just one issue. I should say that. But the public of Ontario will have a choice, because I think the real issue here is broken promises. They will have more than one issue. They will have Sunday shopping. They will have—

1650

**Mr. Harris:** On a point of order, Mr. Speaker: I believe the House leaders have come to some understanding and I would move again for unanimous consent to allow the member for London North to adjourn this debate.

**Hon. Mr. Conway:** If I could speak to that point, Mr. Speaker, the member for Nipissing (Mr. Harris) is quite right. The House leaders have just met and we have agreed that it would be timely if the House adjourned this debate. I want to give the indication to the House very clearly that this would mean it will appear in Orders and Notices tomorrow as a government order to be called by me at some time, when we can arrange it in the normal course of events.

I give a commitment on behalf of the government that this will be done. Recognizing what members have said on all sides, the request from the member for Sarnia to then proceed this afternoon with the debate concerning the nursing situation in Ontario is something the government would be quite prepared to proceed with immediately.

**The Acting Speaker:** I would therefore ask the member for London North if she would make the request of the House for unanimous consent.

**Mrs. Cunningham:** I would be pleased to make that request of the House.

**The Acting Speaker:** For the record, therefore, is the House in agreement that unanimous consent be given to introduce a motion to adjourn the debate?



On motion by Mrs. Cunningham, the debate was adjourned.

### MOTION TO SET ASIDE ORDINARY BUSINESS

Mr. Brandt moved that pursuant to standing order 37(a), the ordinary business of the House be set aside to discuss a matter of urgent public importance, that being the critical shortage of nurses, the serious imbalance in the delivery of health services and the resulting inability of the health care system to provide adequate and equal accessibility to required health care services, in particular, the government's inability to address the serious problem of the growing number of patients waiting for heart surgery in Ontario.

**The Acting Speaker:** I am advised that notice of the motion was received in time and is in order. I will listen to the honourable member as well as representatives from the other parties for up to five minutes each.

**Hon. Mr. Conway:** If I might, Mr. Speaker, the House leaders have had some discussions this afternoon. It is my understanding that it is agreed on all sides that this debate proceed, so I would seek the unanimous consent of the House that we waive that five-minute rule and proceed immediately to the substantive debate on the 10-minute cycle.

**The Acting Speaker:** Is there unanimous consent to waive the five-minute arguments by each of the parties?

Agreed to.

### HEALTH SERVICES

**Mr. Brandt:** Let me first thank the members of the House for their consideration in connection with the emergency debate we have called for this afternoon in connection with health services in Ontario. I appreciate the consideration of the House leaders in making this time available.

Certainly, I want to say to the members of the House that there is no issue, in my view, that is more sensitive, more critical or more important to the people of this province than the quality of care they receive from a health care system which, in the minds of many, is perceived to be deteriorating in terms of the quality of care the people of Ontario have come to enjoy over the years.

It is particularly frightening when one looks at some of the information with regard to the role nurses have been playing in the health care system and when one looks at the circumstances surrounding the very real shortage in the nursing field that is occurring in this province.

It is estimated that at the current rate of nurses leaving the profession, over the course of the next 10 years there will be some 6,000 nurses who will leave the profession of nursing for various and sundry reasons in Ontario. This is leading to a circumstance that is causing, in some hospitals, an inability to respond to surgical demands. It is causing hospital beds to be closed down and a very real reduction in services, which was headlined very recently in some of our media reports, where it was indicated that 40 children at the Hospital for Sick Children had to have surgery delayed for up to eight months as a result of problems, many of which surrounded the whole question of nursing.

Not only is it frightening when you take a look at the number of nurses who are leaving the profession, but as well, it is very disconcerting when one looks at the cost of replacing a nurse in that profession today. It is estimated that the cost is something in the neighbourhood of \$28,000 for every vacancy that occurs. That takes into account such things as the cost of educating and bringing a nurse fully up to speed in terms of the kind of in-house training that is necessary when a nurse becomes part of a hospital system.

When you take a look at what we are being told, why we think this emergency debate is so important today is that a series of problems is causing this kind of outflow of nurses from the profession to occur here in this province. Many nurses, as an example, are suffering from stress. Many nurses are suffering from what they perceive to be poor pay. They also are extremely frustrated over the inability of their profession to have any input in the decision-making process of the health system in the province.

What has resulted is a province-wide shortage of nurses, which is about 3.5 per cent of the total complement of nurses on a province-wide basis and a very frightening figure, over seven per cent, in the Metropolitan Toronto area. That is why most of the problems are occurring right in the Metro area, certainly not all, but a great many of the problems relative to the cancellation of surgery and the closing of certain beds on occasion because of nursing shortages.

We presently have an annual shortfall of nurses in this province of some 1,400, and that shortfall is continuing to go up because of the number of graduates that are coming into the system, against the number of nurses leaving the system. This leaves us with a net reduction in the total complement of some 80,000 that is required to look after the nursing needs of the citizens of this province.



The problem is most serious and has to be addressed by the Minister of Health (Mrs. Caplan) in terms of long-term care, nursing that is required in that particular category, psychiatric care and also in critical care. These are three of the many areas of nursing in which real concerns have been identified that have to be addressed by the ministry in terms of how those nurses are being treated and how their work environment is being developed for them.

It is most stressful when you are working with long-term care patients who can at times be difficult, and certainly psychiatric patients require a great deal of sensitivity and understanding on the part of nurses. Tremendous pressures exist for nurses who are in the area of critical care.

One of the concerns that comes back time and again when you talk to nurses about their frustrations is that when you ask them why they are leaving the profession, after years of study and working to prepare themselves for a career in the service of patients and in health care in this province, many of them will tell you there really is not a great deal of appreciation for a new nurse, a novice if you will, coming into the profession, and for the difference in pay, the number of categories when one steps up to the top level of pay, between a new or novice nurse and one who is at the top end of the pay scale.

There are approximately eight different levels a nurse can go up over a period of time, but the actual pay differential is quite insignificant. When the nurses move up at a relatively modest pay scale in terms of levels 1 through 8, they are expected, in many instances, at their own expense, to upgrade and improve their education, their knowledge and also their ability to handle the new technology that is being introduced into the health care system at this present time.

**1700**

There is in fact very little incentive. There is very little reward for a nurse who wants to better himself or herself in that profession and therefore the frustration sets in. It is not just a question of my standing here saying it. It is a question of the numbers proving it to the minister and to every member of this assembly. When you get 1,400 people leaving a profession annually and you have a serious problem in terms of trying to provide the necessary manpower to cover all the requirements of the health care system, something is very wrong.

One of the things the nurses are asking for and one of the things that would bring about some

improvements in the health care system, and I think would be of assistance to the minister in terms of finding solutions to what I understand are very difficult, expensive and complicated problems, is that the nurses would really like to have the minister look at the opening up and reforming of the Public Hospitals Act with a view—I am trying to be of assistance in areas that are not necessarily expensive—towards having the nurses assist with policy development.

They are professionals. They are people who work in hospitals, when you put it on a per-hour basis, far longer than most physicians do. They know what is going on. Nurses would like to have a little more flexibility in terms of the scheduling of their hours. They would like to have a little more input into how the health system actually operates, and particularly for their own part of the health system. That seems very reasonable.

Before my time runs out, I want to get a couple of other things on the floor in connection with how seriously and how concerned I am about this particular problem. The minister should look at the registrations of new nurses coming into the field. We know many are leaving the field. If there were enough new graduates coming in who were registering in that profession, I guess the concern could be offset to some extent, but that is not happening either.

Back in 1971, as an example, we had 6,600 registrants in that profession. In 1986 that went down to just under 4,000, so the actual number of new nurses coming into the field, coming into the profession, is going down. There is a pattern developing that is very troubling, and that is that we have fewer nursing graduates and we have more nurses leaving the profession. That has to be stopped. That is why there is a shortage of 3.5 per cent in terms of requirements across the province and more than seven per cent in the Metropolitan Toronto area.

I recognize that health is not only a very sensitive area for all of us to be discussing in terms of the level and the quality of care, but it is also an economic matter. I say to the minister to look, as an example, at delays in the area of provision of children's services at the Hospital for Sick Children. Look at the cost, which is estimated to be something in the range of \$750 a day—if I could just take about 30 seconds I will conclude my remarks—with some children delayed up to eight months waiting for surgery. I realize they are not all in a bed in that hospital, but some of them are there for a matter of days or



weeks. That cost is a tremendous burden on the health care system.

There are ways we can improve on the flow-through, on the speed with which some of these procedures are being handled, if we improve on some of the areas of concern surrounding nursing.

**Hon. Mrs. Caplan:** Members of the Legislature, I think, all know that the Ontario government has no higher priority than to protect and to enhance the health and the health care of the people of this province.

This year the total expenditure of my ministry will represent approximately \$12.7 billion or nearly \$1,500 per capita; \$1,500 for every man, woman and child in this province. Health care now accounts for fully one third of the entire provincial budget. By all means of accountability and importance, this reflects a major commitment on the part of our government to see that the people of Ontario have access to the health services they need and require.

Any discussion, any debate about the integrity of this government's commitment to health care in Ontario, must take into account the developments that have occurred in this province since the change of government in June 1985.

It was this government that introduced Bill 94, the legislation banning extra-billing and thereby making access to physicians' services free of any financial barrier in Ontario for the first time.

It was this government that introduced sweeping reforms to the Nursing Homes Act, giving nursing home residents their own bill of rights and making nursing homes more accountable to the ministry and to the general public.

It was this government that introduced the northern travel grant program, a program that, once again for the first time, made access to necessary health services a reality for the people of northern Ontario.

It was this government that expanded the assistive devices program to people of all ages so that no one in Ontario, no Ontario citizen, would have that kind of financial hardship caused because of a physical disability.

It was this government that agreed to cover 75 per cent of the costs of dental services for children with cleft lip and palate problems and thereby relieved hundreds of Ontario families from the expenditure of sometimes up to \$20,000 for the care of their children.

It was this government that agreed to provide drugs to cystic fibrosis and thalassemia patients for a cost of over \$5 million annually.

The list goes on. We expanded community mental health programs with program funding increases from some \$47 million in 1985 to \$121 million for this current fiscal year.

I could begin with discussions of many of the special initiatives, but one I believe worth mentioning is the funding of the Heart Institute at the Ottawa Civic Hospital, at a cost of over \$10 million. I could mention the government's most progressive acquired immune deficiency syndrome education and treatment program. I would say we have shown leadership, not only in Canada but also in North America.

It was this government that recently introduced the Independent Health Facilities Act, an act designed to give us a legislative framework for the expansion of community-based services, the kinds of services that will allow people to receive treatment as close to home as possible and in a manner that is effective as well as cost-effective, in response to the changing technologies and the fact we can do more in a community-based setting outside the traditional institutional environment.

That is only part of the record I have been referring to, and I believe it is an important and a very outstanding record of achievement. I believe we have honoured our commitment and we intend to continue doing so.

Having said this, let me address a number of the issues that seem to be the focus of our attention here in this House and have been in the media for the last few weeks. First, I am going to deal with the current nursing shortage in the province.

Within the past few months, the ministry has received a number of reports relating to nursing manpower concerns, and while the reports have been carried out by different sponsoring agencies—the Ontario Nurses' Association, the Hospital Council of Metropolitan Toronto, my own minister's Advisory Committee on Nursing Manpower and the Registered Nurses Association of Ontario—they all point to a number of common issues that I believe we have all agreed must be addressed.

As the reports point out, the issues are complex; they are societal issues and they are interrelated. The concerns now challenging the nursing profession really are challenging for all of us. They go beyond the borders of this province. In fact these are worldwide concerns and issues in most jurisdictions of this world, particularly North America, which are facing similar challenges.



1710

The questions relate to the working environment for nurses, the workload and organization of hospitals, job satisfaction, pay differentials, flexible hours of work and the need for continuing education in a changing profession and a changing health care environment.

I have said publicly on many occasions that I am prepared to work in all these areas of concern, to use my office as minister to help bring parties together who have a stake in the resolution of these matters. I am prepared and am doing my part to the extent that my responsibility and authority permit. I have also said there are many issues to resolve and that it is crucial for the nursing profession itself and for the hospitals where many of those nurses work to come together, to discuss and to negotiate in a spirit of flexibility and adaptability to these changing times and to these important and difficult challenges.

Part of the difficulty, I say—and this is only part of the difficulty—is the work environment. Patient care requirements which nurses are expected to fulfil, as I said, are changing rapidly and dramatically. This means that hospitals and nurses must come together and establish new protocols, new procedures and look for new opportunities that will meet their mutual needs. The hospitals are the employers of the nurses. The nurses' union is the Ontario Nurses' Association.

To facilitate this process I have told nursing organizations that we are drafting changes to the Public Hospitals Act. I am pleased to hear from the leader of the third party his support for what I believe is a long-overdue look at an act that is some 40 years old and which does not reflect the environment today. I have made that commitment because I believe that this legislative framework is extremely important in acknowledging the changes that have occurred and that will occur in the future.

In my view, the changes in the legislation may perhaps to some degree be dealt with in the interim by some regulatory changes. We are looking to see what we can do by regulation in the interim, so that we can meet the needs not only of the nursing profession but of other professionals working in the hospital environment, of the hospitals and of the patients who are served by those hospitals.

As we move forward with a full review of the Public Hospitals Act, it is my aim and hope that we will have ready for introduction, perhaps as early as next fall, amendments to that legislation.

A consultation process will be announced shortly and nurses will be invited to participate in the updating of the public hospitals legislation.

That is a short overview of the nursing manpower issue. As I said, it relates to the changing role of women within our society, to more opportunities that are available to women, and I believe as we move forward in health care, we have to look at some of the specific issues that come from that.

The focus of concern in recent weeks has been primarily on the downtown Metropolitan Toronto hospitals, because they have had some difficulty in staffing particularly their critical care and intensive care units. I believe this concern is related to the fact that the situation in Metropolitan Toronto and downtown Toronto is different from other parts of the province. Sometimes it is the availability of child care, transportation or flexible working schedules. I am confident that the hospitals, along with their nurses, will work to resolve many of those issues. If I can assist by facilitating those discussions, I would be pleased to do so.

As well, ministry officials have been holding regular meetings with the Ontario Hospital Association, its representatives and the nursing associations. I am quite confident that together, in a spirit of co-operation, we will meet the challenges as we lead health care. Notwithstanding all the challenges, if we view those challenges as opportunities, we will lead health care successfully, safely and proudly into the next century.

**The Deputy Speaker:** The member for York South.

**Mr. B. Rae:** I am delighted to participate in this debate. I think, having heard the minister, we all have a sense of frustration. I want to convey to her very directly my own frustration in this regard. I have personally been raising with her this problem for well over a year, since she became the minister. In particular, through the fall of 1987 and through the winter and spring of 1988, this question was very much a focus of our concern in the House, a focus of work by my colleague the member for Riverdale (Mr. Reville) and the subject of many questions and other emergency debates in this House.

There are some things that I think need to be said, that the minister has said, which are true. It is true that Ontario is not alone. It is true that we are part of a secular trend across the western world in looking at difficulties in recruiting nurses and difficulties in keeping people in the profession, but I will say very directly to the



minister that having said that there are very deep structural reasons for the problem, that does not absolve the minister, her staff, the ministry or the whole government in recognizing that this is an urgent problem that requires intervention by the government in order for it to be solved.

It also requires money. I say very directly to all members of the House, and indeed to the public, that if anybody thinks there is a solution to this problem that does not involve more investment and a greater commitment by the government of Ontario to spend what is necessary to keep nurses in the profession, then they are deluding themselves.

Frequently, when I hear the minister, I know there are many technocrats in the Ministry of Health who think there is some sort of planning solution to this which will miraculously solve the problem without any increase in the appropriation for nursing and for nursing care that comes from the government of Ontario, and I want to say very directly that it cannot be done.

Yes, there need to be changes in the Public Hospitals Act. Yes, we need to recognize that nurses need to have a role in the administration of health care greater than the role they have now. Yes, we need to recognize politically their role in the health care system in a way that has not been true up until now.

This came home to me with a vengeance, as it did to all the citizens of the province, during the ordeal of Susan Nelles. As we watched the Grange inquiry, it came home to me with such force. We all came to know the names of every one of the nurses on that ward in the Hospital for Sick Children, but I would suspect there is not a member in this House who can off the top of his or her head say who the doctors were on that ward. That is because it is the nurses who have the day-to-day, hour-to-hour responsibility for care in our hospital system. They are at the foundation of care in our hospital system and yet, nothing has been done to match that work and that responsibility with real recognition by the people of this province, the government of this province and the hospitals that are their employers.

I would say to the minister that there really is no excuse this far into her term as minister for her not addressing very directly the issue that is in front of us, which is a nursing shortage that is, yes, concentrated in this province in Metropolitan Toronto, but by no means confined exclusively to Metropolitan Toronto. It is that shortage which lies at the heart of all the other issues that

we have been dealing with when it comes to hospital care.

You look at the delays in cancer surgery. That is a product of the decline in the number of nurses in Princess Margaret Hospital, Sunnybrook Medical Centre and other cancer hospitals. You look at the crisis affecting heart patients, and obviously because of the nature of their illness and because of the severity of their illness, these are the cases that we have been having to deal with most immediately in this House. That is a product of a nursing shortage.

As Dr. Salerno quite rightly points out in his comments to the media, it is not just a product of a nursing shortage. It is the fact that the nurses who are available are not on the staffs of hospitals; they are on the staffs of agencies. The agencies are charging more than hospitals are willing to spend, and there has been a bargaining war going on between the agencies and the hospitals. It is the patients who are caught in the middle of this bargaining battle.

1720

When I was in hospital last June, I was amazed and struck by the number of nurses at the Princess Margaret Hospital who were not on staff. Just routinely, the nurses you saw and asked how long they had been working there would say: "I don't work here all the time. I work for an agency." That is not unusual. That, in fact, has become part of the pattern of how nurses, as individuals, respond to a structure that does not make sense to them any more and to which they have to respond in the way that they have.

The debate we have had in the last couple of days has focused on one single issue. There is a three-year collective agreement that is one year old. That collective agreement has obviously not succeeded fully in maintaining the level of staff that we need in the critical care units in our hospitals. The Ontario Nurses' Association has said that is the case, and it is willing to reopen the agreement in order to address that subject.

I want to say very directly to the minister, there is no way that is going to happen unless she talks to the Treasurer (Mr. R. F. Nixon) and the Premier and she, the Premier and the Treasurer come to an understanding that there has to be an enrichment of the salary going to the people who are providing that level of nursing care. It has to be done on an urgent basis, on an intelligent and planned basis, but it has to be done.

I say to the minister, if she does not believe me, this issue is just not going to go away. It is not going to go away because the problem is built into the system.



There are those who will say there are too many people who are getting these heart operations, but I say to the minister that she is not the one to decide that and she is not in a position to say, "You should get the treatment and you shouldn't." I am not in a position to make that judgement and neither is any health economist, no matter how much we might respect his policy skills and other skills.

We are left with a situation where, essentially, patients have to rely on the medical advice of doctors who say: "We think you need this treatment. It's the most effective treatment to treat the illness you have. The only way we can treat the illness you have is by means of an operation." None of us is in a position to second-guess that judgement.

I say to the minister, if she wants to launch some long-term studies on how cardiology care is being provided in the province, that is fine, but that does not address this problem, any more than suggesting that people who are having hip replacement operations should not be having them. That is not a judgement for me to make. It is not a judgement for her to make. I say, with the greatest of respect, it is also not a judgement for her deputy or anybody else to be making. It is a judgement that needs to be made by physicians. That is the way our whole system operates, and I suggest that is the way it should operate.

I want to come back to this issue. The one thing I am glad about is I genuinely believe that, as opposed to when we began raising these issues some time ago, there is now greater awareness in the public that when we come right down to it, the problem is nursing, nursing, nursing. That should be the focus of attention when we talk. With all the abstractions about long-range planning in the health care system, we have to come back to nursing, nursing, nursing.

The government can announce every spectacular new technology that it wants. Unless it has nurses who are trained and able to provide the care that the technology now makes available, there is no point in our discussing all the capital plans which any government might have about how it is going to spend X, Y, and Z on new technology. We have to come down again and again—nursing, nursing, nursing; people, people, people.

That is why I say to the minister I know the advice she is getting from the technical experts who will say: "Look, there is a collective agreement. It lasts for three years. You can't have reopeners unless both parties consent.

That's the way it is. That's the law. That's the technical way in which this thing works."

As I wind up, I say to the minister with the greatest respect that it is not a matter of that technicality. It is a matter of recognizing that unless we pay these people more, more of them are going to leave. We are going to have longer waiting lists and more people are going to get sick and will not survive long enough to get the operations they need.

**Mr. Eves:** It is my pleasure to rise and partake in this debate. I might say that I am glad we are finally having a serious discussion about the nursing shortage in Ontario. I fully concur with the leader of the official opposition that we have been raising it in this Legislature since the fall of 1987 at least.

It was with interest that I noted the minister spent the first five minutes of her remarks talking about things that have absolutely nothing to do with the nursing shortage, outlining programs in dollars and cents that her government has spent in the last few months and years to try to improve the health care system in Ontario.

It is not that we have anything against those projects and those programs. It is just that I thought we were talking about the nursing shortage in Ontario, particularly as it relates to the waiting lists for cardiovascular surgery in this province. I think all of those things need to be done by any government that hopes to keep up to date with health care in Ontario.

During the last five minutes of her remarks, she indeed did touch upon the issue of nursing shortages. She cited all kinds of things that possibly could be done. She talked about a worldwide problem with respect to shortages of nurses. It is kind of strange that this is the same government whose Premier always says: "We in Ontario have world-class treatment. We have world-class facilities. We are the best in the world." Are we to take it from the minister's remarks this afternoon that we are happy to be part of the lowest common denominator with respect to the nursing shortage throughout the world? I do not think we should accept that. I do not believe the minister really believes that in her own mind.

I would like also to speak to the subject of staff nurses, because this has been a contention with the Ontario Nurses' Association and any nursing body; the Registered Nurses Association of Ontario. Whenever they talk about the problem with respect to nursing in Ontario, one of their common complaints is that nobody in the government seems to want to talk and have



representation from staff nurses, the people who work in the trenches day in and day out, who experience these problems as nurses day in and day out, who are not administrative staff or educators but rather the people who have to go in there and do this and slug it out in the trenches every day.

It is also interesting to note, in connection with the recent problem at St. Michael's Hospital with respect to cardiovascular surgery and talking about Dr. Salerno, as the Leader of the Opposition (Mr. B. Rae) did, that I had occasion a few months ago and a few weeks ago to talk to Dr. Salerno about waiting lists for cardiovascular surgery in the province and in Metropolitan Toronto in particular.

St. Mike's has had to cut back the number of hours that surgeons are able to use the operating rooms at St. Mike's due to the fact that there are not enough highly skilled and trained nurses to deal in critical care in Ontario, in particular, in the Metropolitan Toronto area.

The other day I tried to read into the record during question period, but was cut short, the number of instances we have had—these are only the public instances—in the last few months. We are all quite aware now of Mr. Pitcher, who died last March. The Leader of the Opposition brought his case to the forefront. A few days later, I spoke of Mr. Thornton, a constituent of mine who had his heart surgery postponed five times. Unfortunately, he died as well. He had a heart attack on the operating table.

We can rhyme off the others, but I think the media are all quite aware of them by now. There are eight to 12 public cases that have become very public. Then today, of course, we come up with the story in all the media about the 40 children who have had their heart surgery postponed at the Hospital for Sick Children in the last few months because of a nursing shortage.

There are four different bodies, as the minister acknowledges, which have done studies on the nursing shortage in Ontario. The first was put out by the ONA. Goldfarb Associates did a survey and came up with some suggestions. The minister has had this report since early March 1988. That is almost a year now.

**1730**

The key issues to be addressed, if I have to summarize them for the minister, are: better pay; salaries increasing with education, experience and/or responsibility; better hours; more flexible, shorter hours; more opportunities for nurses to advance, upgrade themselves and encourage ambitions; better attitudes towards nurses from

the public, doctors and other co-workers, and more staff to reduce workload and stress.

I think those are fairly specific recommendations. I would like to know what specific plans of action the minister has taken to address each and every one of those. She has had them for 10 months. This is 10 months later, and we are addressing the very same issues. We have the very same problems and from what we can see on this side of the House, the minister has not addressed any one of those issues specifically and she will not tell us what she has done about any of them.

We have the report of the Registered Nurses' Association of Ontario. Theirs is a little bit more recent. Their recommendations came out in November 1988. There are 14 very specific recommendations that the RNAO outlines in its summary for the minister. It is nice and handy. They are all numbered. They are in capital print. The minister can read them. It is nice and easy reading.

I would like to know what she has done about each and every single one of their 14 recommendations. Many of them do involve the minister. She cannot just pass the buck and say, "It's a collective bargaining problem between the Ontario Hospital Association and the Ontario Nurses' Association," because we know that 80 per cent—everybody knows that and surely she does—of every hospital budget in this province is labour-intensive.

We also know that the large majority of that is nurses' salaries. Surely the minister cannot expect, for one moment in time, the OHA to go back to the ONA and renegotiate their agreement and address some of the very important concerns that they have for experience and skill, without her being able to say to the OHA that she has found the funding for it to go back and do this. To say otherwise is just making a mockery of the whole process. If she expects the hospitals to do it out of their existing budgets then she, as Minister of Health, should be directing these hospitals as to what services to the public they should cut so they can provide this funding and financing to the nurses.

I could go on for much longer than 10 minutes about this, but I think it would be well to read into the record part of the ONA's report, *An Industry in Crisis*, a release that the Wellesley Hospital nurses released in November 1987. That is some 14 months ago.

"At our hospital we are desperately short-staffed. Staff nurses, particularly in the intensive care units, are working 16 to 24 hours in a row,



which is unsafe for patients and destructive to nurses' morale and health. The operating room, the recovery room and critical care areas are especially short-staffed. At one point, our operating room was short 19 nurses out of 48. As a result, operating room time, already less than adequate from the surgeon's point of view, has been restricted again.

"In an effort to compensate for this, many surgeons are operating in the middle of the night and through the weekend, which means that the already very limited number of operating, recovery room and intensive care nurses must also work these hours. At the same time, we are called upon to do so much overtime. We must work evenings, nights, holidays and weekends. In the midst of this, we must constantly upgrade our skills, take courses and be recertified. We receive no financial compensation for our advanced skills. In fact, we do not receive any kind of recognition for these courses.

"A nurse who has worked for 25 years, no matter what her education or experience, receives only a little more than \$4,000 a year more than the new graduate. The result is that staff turnover is very high, with new graduates constantly being hired and few nurses remaining long enough to develop real expertise.

"The result of all of this is an unnecessary lowering of the quality of nursing care for our patients. Those of us who work in hospitals have no difficulty understanding why so many nurses leave the hospital work and others are leaving nursing all together. It is not so difficult to turn out new nurses, but under these conditions, it is very difficult to keep them working in the hospital area."

I think that says it better than just about anybody could say it. The problems are there. They have been identified by four different bodies. The four different bodies are almost unanimous in what has to be done. All we need now is a minister and a government with the will to do it, to accept some of the responsibility that is properly theirs as leaders in government.

We look to them for leadership. The ONA certainly has. The nursing profession in general and the residents of Ontario in general are right in looking to the Minister of Health for direction. She cannot just say that this is the OHA's problem, the ONA's problem, the Ontario Medical Association's problem or the pharmacists' problem. It always seems that it is everybody's problem but the Minister of Health's problem.

I thought the whole purpose of having a Minister of Health was that the minister would lead and give direction to try to tell the hospitals, the medical profession, the pharmacists, the nurses and indeed the people of Ontario what direction health care is going in and what she and her government are doing to take it down that road and to address the critical shortages that we have in the nursing profession today.

**Ms. Hart:** I rise today to participate in this debate on the issue of nursing shortages, particularly as it affects Metropolitan Toronto and those of us who live here, because the problem seems to be more centred in this area than anywhere else in the province.

First, it would be misleading to blame any shortage strictly on monetary matters. The issues are much more complex than that. I refer the honourable members to three excellent reports reviewed by the Ministry of Health. Those are the report of the ministry's Advisory Committee on Nursing Manpower and the reports by the Registered Nurses' Association of Ontario and the Hospital Council of Metropolitan Toronto.

Because of the demanding and very emotional nature of their work, nurses need job satisfaction, perhaps more than any other profession. Hospitals need to have a flexible approach in such matters as scheduling and other parts of the job which affect the nurses' quality of work life. This is particularly true for those dedicated nurses in critical care units, surely among the most demanding of hospital jobs.

The reports indicate that the quality of work life is the issue that needs to be addressed. That is in accordance with common sense. Why would you choose to work in a downtown hospital in Toronto, where housing is most costly, child care is problematic and parking is exorbitant, unless you feel yourself to be a valued, consulted member of the health care team?

Surveys revealed great dissatisfaction among nurses, but they also discovered positive aspects of nursing which employees can build on. Many if not all of the findings hold equally true for registered nurses in acute care and registered nursing assistants in long-term settings. While patient contact was identified as the most positive aspect of nursing, over half of the hospital nurses surveyed would not recommend a career in nursing.

A strong correlation exists between job satisfaction and hospital working environment, according to the reports—something we should not be too surprised at. The opportunity to use skills and abilities correlates highly with job satisfac-



tion, and only one third of the nurses surveyed ranked their own situation as positive in this regard.

It comes down even to the simple things. For example, my riding's own hospital, Toronto East General Hospital, is to be commended for involving its nurses in the design of its new emergency and critical care wing. I understand that it is almost unheard of to consult with those people who spend the most time in the facility, namely, the nurses. It is hard to imagine that would be so. Clearly, the onus is on the hospitals, the associations and those representing nurses and doctors to set their houses in order, if conditions are to improve for nurses in Metropolitan Toronto and elsewhere.

I would like to commend the minister for her decision to open the Public Hospitals Act, which will include giving consideration to allowing nurses more of an opportunity to participate in the decision-making process in the province's hospitals.

As has been pointed out, the principal nursing shortage is in Metropolitan Toronto. There are a number of complex reasons for that as well. The cost of living for one thing, something we all deal with here in this city. Why should a nurse with some mobility work at a hospital in Metropolitan Toronto when she or he can earn the same amount of money with less stress in some other location?

**1740**

I know the minister has said she is not opposed to premium pay for those working in critical care jobs, and it is something that will have to be considered if we are to sustain the high standard of nursing care we need today. That is a matter of negotiation between the ONA and the OHA, and I am pleased at the efforts of the Minister of Health to get the two sides together to discuss mutual concerns. As all members know, when you are getting parties together to initiate a new way of working together, it takes time—a lot of time—and that time is necessary time to bring about the good result.

It is, of course, a grave concern to all of us when great hospitals such as Princess Margaret and the Sunnybrook Medical Centre have to close beds because of a shortage of nurses. Nobody, certainly nobody here, wants to see that.

I know that many of the issues raised in the reports that I mentioned earlier, and in the media as well, are not within the Ministry of Health's jurisdiction or within the jurisdiction of the Legislature, but as members know that has never

stopped us talking about them before. This is a matter we are all concerned about. We all have nurses in our riding; we are all concerned about the health care of our constituents, and we know how important the nurses are in the hospital setting, in the home care setting and in all the settings where they work for us.

Again, I commend the minister for showing leadership in attempting to help the parties resolve some of their differences and in her efforts to help alleviate the evident shortage. We know that this shortage will not be alleviated overnight. It would be wonderful if we could snap our fingers, if the Minister of Health could say, just like that: "There will be more nurses. There will be more beds. We will never again have anyone in need of nursing care that is not available."

Unfortunately, as with all very complicated issues—and we only deal with complex issues these days, it seems—it is not that easy. It is something that requires a lot of talk, a lot of thought, a lot of reports and a lot of consideration; and people do not come together to find solutions to complex problems overnight. We all know that does not happen.

**Mr. D. S. Cooke:** I am happy to be able to join this debate today. However, I would obviously prefer not to have to have this type of debate again in the Legislature. I might point out that we have been talking about these problems of waiting lists for surgery for not just many months but for a number of years now, not only with this minister but with the previous minister as well.

I remember raising the statistics, when the hospitals used to more readily share the statistics of the number of people on waiting lists for this type of surgery, with members of the Legislature. On a regular basis, just a couple of years ago, I used to call the hospitals down London way to get the numbers of people in the groupings of urgent surgery required and more elective surgery required.

If I remember correctly, the urgent surgery was, in the view of the doctors, bypass surgery, open-heart surgery that should be carried out within two weeks of the diagnosis. That would probably mean after the angiogram had been carried out by the doctors in those hospitals. Regularly at that time the waiting lists were six to eight weeks, and things have only got worse.

I can tell members from personal experience that when our family went through this just a year ago—I think it is a year next month that my father had his bypass surgery—when he was on the waiting list it was incredibly scary. It was



absolutely inhumane to put not only the family members through that—obviously, we can cope—but also the person who already has physical problems and has a heart problem. That kind of treachery, that kind of worry, that kind of fear for life is absolutely inhumane in Ontario in 1988 and now in 1989. I have had many cases, as I am sure you have, Mr. Speaker, as have other members of the Legislature, of families who have called who are going through this.

I cannot understand the economics of it either. When we talk about a problem with budget and a problem with money, I do not see how it is a saving of government money when we tell people they are on a waiting list and they can go into emergency in a cardiac care unit on a regular basis with acute angina, which is what happens with many of these cases, at \$400 to \$500 per day for a CCU bed, in that neighbourhood; an active treatment bed is well over \$300 per day now.

We say to these people, "You're on an urgent list for open-heart surgery and, as taxpayers and as a government, we'll spend to have you go into emergency and into the CCU while we're having you wait for your bypass surgery." It is absolutely insane. I do not understand the economics of it at all, why we would be willing to spend that kind of money and at the same time say, "We understand that you have to have the surgery, but we can't accommodate you for the surgery."

The surgery costs \$2,000 for the doctor's Ontario health insurance plan fee, and then there is, of course, the hospital stay coverage as well. When my dad was on the waiting list, going in on several occasions on an emergency basis, he spent at least 10 to 14 days in the local hospital CCU. At \$500 per day, that would be \$7,000; not to have the surgery but to be put in a CCU while he was under emergency care to bring the angina under control so he did not have a heart attack while he was awaiting the surgery to prevent a future heart attack.

I get cases like this all the time in my office. I am not sure the minister understands. I thought she might have, but I remember when I talked to her last year about not only my family case but some of the cases in my riding, the answer I got from the minister was that the family should make arrangements to have the cases moved from Victoria Hospital or University Hospital in London to Toronto, because the waiting lists in Toronto are much shorter.

If the waiting lists are much shorter in Toronto, and people in Toronto are dying because they cannot get their surgery quickly

enough, as cases have been documented in the local papers, then I do not know what that says about London, where the situation was in even more crisis last year than Toronto or Ottawa or Hamilton or the other teaching hospitals across the province.

The minister's constant response to this problem has been to study the issue, to set up a task force, to receive reports, but to do virtually nothing in terms of acting on those recommendations. I do not think that is good enough any longer. The constant responses we have been getting from this minister in the House have been delay: "It's not my responsibility. It's the responsibility of the Ontario Hospital Association, the Ontario Nurses' Association." That simply is not adequate when we are in a crisis.

There is no way this can be described as anything other than a crisis. It has to be described as a crisis when there are people dying, when there are people suffering and when there is acute panic by anyone who requires this type of surgery but cannot access it.

I can also say that I understand entirely the situation that nurses go through who work in this type of situation. Last year when I visited the facilities at Victoria Hospital in London, I obviously went into the trauma centre where heart patients go after they have had their surgery. As a family member, before the surgery takes place there is all sorts of education that is available. They give you books to read that are supposed to properly prepare you mentally for what you are going to see after the surgery takes place, but the patient is actually brought into a trauma room where there is a critical care nurse who, on a one-to-one ratio, spends the first 24 to 48 hours with the patient, one nurse per patient in this hospital, monitoring every aspect of that person's life—blood pressure, obviously, heart and everything else that can be measured by today's modern equipment.

Obviously, the responsibility for that person's life and his recovery in the first several hours after this very traumatic surgery is in the hands of that critical care nurse. Most of the time these nurses work 12-hour shifts, but as has been documented and presented to the Legislature today and on many other occasions, these nurses, who are under incredible pressure, are asked to work hours of overtime because there are shortages of these nurses.

1750

As one of the doctors said to me when I spoke to him last year: "We could do more surgery on the weekends. We could get access to the



operating rooms and do some more surgery," but there is absolutely no way that they could ask for that additional burden to be put on the nursing staff. There is no way they could physically or emotionally cope with additional patients and the pressure it would put on them.

So it clearly lies with the responsibility of trying to find out how we are going to deal with this crisis of the shortage of nurses, and critical care nurses in particular, in these units.

I hope the minister will begin to take this matter seriously. It is no longer adequate for the minister to come into this House and give answers that have been fed to her by her bureaucrats that might wash with her in her briefing meetings but do not work at all with the people who are on these waiting lists and suffering and the families who are suffering.

Quite frankly, I do not know how the minister gets up in the morning and looks at herself and deals with this issue and says that she is dealing with it in all good conscience when she gives the kinds of answers that she has been giving in the House. Perhaps it is time for the minister to say that she is not going to accept the arguments that have been used by her bureaucrats time and time again and that it is time to look at those reports from the nurses, from the people who are on the front line, and demand that these solutions be put in place.

Obviously, one of the solutions could be done very quickly by the minister agreeing to get the Ontario Hospital Association together with the Ontario Nurses' Association to work out a deal where some of the problems, the lack of incentives, the lack of adequate pay, are dealt with during the term of this contract. That could be done, and if the minister was committed to finding that solution, she would do that now.

**Mr. Villeneuve:** It is also a pleasure for me to participate in this debate, in spite of the fact that quite a large number of young children are awaiting specialized surgery, cardiovascular surgery, and many adults are waiting up to nine, 10, 11 months for surgery that is critical to their survival, as we move into this debate and as we discuss the critical importance of the nursing profession to the delivery of our health care system here in Ontario.

As an issue for provincial legislators, nursing has been growing in importance in recent months. The Tory party stressed the importance of the nursing profession in two task force reports, on palliative care and on care for the elderly, in 1986, and recent attention is due to reports of shortages in the Toronto area hospitals.

They have certainly been very well documented. The media is very well aware of them and I believe our public, those who are not involved in knowing someone who is waiting very patiently and traumatically, in some instances, for medical attention, are now very well aware of what is happening.

It is a shame that we have to wait for a crisis in the Toronto area before attention is paid to such an important issue, but what is important now is for nurses' organizations to get their message across to the politicians so that there will be support for all the necessary restructuring.

There are a number of issues confronting nurses right now which have to be looked at seriously and imminently. The major issue of political importance is finding a solution to the problem of the nursing shortage—a severe, serious shortage that is limiting the use of our very expensive facilities in some of our high-profile hospitals throughout Ontario. This problem has been and is being studied by various organizations, including the nursing associations and others, the Advisory Committee on Nursing Manpower and the Ontario Hospital Association.

Even before these reports are made public, it is already obvious what the problems and some of their causes are. Ontario has more than enough trained nurses. However, many of them—18 per cent of registered nurses with the College of Nurses of Ontario—are not employed in nursing. Further, fully 35 per cent of working registered nurses are working part-time and seven per cent are working on a casual basis. With those statistics, we have fully 50 per cent of the qualified nurses in the province of Ontario not being utilized to their full potential.

Data from the College of Nurses of Ontario shows that younger nurses in particular are more likely to leave the profession. The CNO points out that this problem is not confined to nursing alone. When a shortage or even a perceived shortage of nurses occurs on a province-wide basis, it very quickly becomes not just a medical or hospital administration issue, but a political issue as well.

The health issues field is one where a great many provincial concerns involve money. If members have been following the news, the Treasurer reported that Ontario health insurance plan payments have risen considerably over the past year even though the fee schedule went up by only four per cent. As a result, the pay issue is a likely one for examination.

Many people have illusions that Ontario's nurses are among the highly paid group of

professionals. That is certainly not the case. I think the fact that we are discussing and debating that very issue today, the real dire shortage of nurses, emphasizes that they are not as highly paid as many people seem to think maybe they are.

The major problem is always with personnel and manpower shortages in the nursing profession, specialty areas in particular. The inability to obtain specially trained nurses—in the operating rooms, for instance—limits the availability of these very specialized operating rooms and also the medical profession.

Nurses have to work shifts and weekends for less money than they would get in industry where the conditions of work would not entail the working of shifts and the working on weekends.

Health care systems have grown in bureaucracy but not where the real need is, which is at the professional nursing end of the medical spectrum. This affects access to the hospital, access to the special care units and indeed it has caused some Ontarians to die when their time could possibly have been extended had they been able to make use of some of our facilities which are in place.

The problems do not end with long hours and stress in the nursing profession. There is also the long-standing problem of how some doctors treat nurses. That, of course, is another story altogether.

However, we did have a long debate on Bill 94 in this Legislature. This government, for whatever reasons, has always seen the political side of things whenever it was opportune for them to polarize the different people and make some political points. I certainly hope this is not the case, that the nursing profession will indeed have to be polarized in order to provide this government with what it feels is required for it at the political level.

Some doctors have the attitude that the nurse is there to be a servant rather than an experienced, knowledgeable medical assistant. That is changing and it has to change, because our trained nurses are the ones who really make the system work and work well.

Today, female nurses are not prepared to take the abuse they have in the past in order to remain in the profession. I think the statistics I quoted a bit earlier bear that out when indeed 50 per cent of our professionally trained nurses are not being utilized anywhere near their full potential within the health delivery system.

I believe the time has elapsed for the emergency debate on the health care system in Ontario.

**The Acting Speaker:** The government House leader has indicated he wishes to make a business statement.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** In light of what has occurred here this afternoon, I thought it would be only fair to share with my colleagues what it is the House leaders have agreed to as the business for tomorrow, Wednesday, January 11, the birthday of the late great Sir John A. Macdonald, I might add, and Thursday, January 12.

The business statement for tomorrow and Thursday is simply the statement that members have before them today. Tomorrow we are going to proceed, I expect uneventfully, to the orders of the day and we will proceed through the second reading of the education bills, not necessarily in this order, but we will discuss this among the critics and the House leaders tomorrow: second reading of Bills 69, 70, 186 and 199. Assuming that business is completed tomorrow, on Thursday we will then move back into the justice bills, beginning with the adjourned debate on second reading of Bill 4.

The House adjourned at 6:01 p.m.

#### ERRATUM

No.	Page	Column	Line	Should read:
126	7102	1	1	Private member's motion



## RESPONSES TO PETITIONS

### RETAIL STORE HOURS

Sessional paper P-7, re Sunday shopping.

**Hon. Mrs. Smith:** The government has concluded that municipalities should have the option to decide retail hours on Sundays and other holidays and has introduced legislation to accomplish this.

The new law contains standard store closing rules for all of Ontario. These standard rules will remain in place unless a municipality decides for its own reasons to alter the law to reflect its own values or needs. It may do this by permitting stores to open or requiring them to close on Sundays and holidays. Municipalities are entitled to make this choice for themselves.

Under amendments to the Employment Standards Act, all retail workers will be able to refuse Sunday work which is, in their view, unreasonable, and the legislation will protect workers against reprisals. Employers and employees will be encouraged to work out co-operative arrangements for Sundays. If no settlement is reached through mediation, the matter will be referred to an independent referee.

The current law has been found to be unenforceable and has been abused by some retailers. The proposed amendments provide a workable, fair and flexible solution to the issue of Sunday and holiday shopping.

### CAISSE DE RETRAITE DES ENSEIGNANTS

Pétition No 22, concernant le plan de pension des enseignants.

**L'hon. M. Ward:** L'octroi rétroactif de pensions basées sur les "cinq années les mieux rémunérées" aux personnes déjà à la retraite est une question qui devra être considérée en fonction de l'état global des finances du régime de retraite des enseignants. Il faut souligner que lorsque cette question sur les pensions du secteur public, le conseil l'a étudiée et a fait la recommandation de ne pas effectuer cette modification.

Plus récemment, le rapport Slater sur les pensions des enseignants et des employés du service public a conclu que même dans les meilleures circonstances, les cotisations actuelles et les revenus d'investissement ne sont pas suffisants pour offrir le niveau actuel d'indexation de pensions. Le rapport par ailleurs a conclu que cette situation s'applique aux prestations de retraite provenant de services déjà rendus et, à défaut de changements appropriés, s'étendra aux

prestations liées aux services futurs. Ces conclusions sont conformes à celles des rapports antérieurs de Laurence Coward et de Malcolm Rowan. En effet, le rapport Coward a évalué le déficit non couvert relativement aux prestations d'indexation des enseignants à presque 7\$ milliards.

Le gouvernement considère que la question du déficit non couvert exige des mesures urgentes. Il s'engage à trouver une solution qui soit prudente au point de vue fiscal tout en étant équitable pour les cotisants actuels et futurs. Le gouvernement a de plus indiqué qu'il est prêt à considérer une grande réforme des dispositions relatives aux régimes de retraite.

A cette fin, un groupe de travail a été établi pour étudier les régimes de retraite des enseignants. Ce groupe comprend des représentants de la Fédération des enseignantes et des enseignants de l'Ontario. L'octroi rétroactif de pensions basées sur les "cinq années les mieux rémunérées" figure au nombre des questions à l'étude. Le groupe de travail est chargé de présenter des recommandations sur les démarches à prendre dans un proche avenir pour faire en sorte que les mesures entreprises pour améliorer la situation financière soient incluses dans le prochain budget provincial.

### CHURCH OF SCIENTOLOGY

Sessional paper P-33, re Church of Scientology.

**Hon. Mr. Scott:** The above-noted petition requests that the outstanding charges against the Church of Scientology of Toronto be withdrawn.

The preamble to the petition contains several errors which should be noted:

1. "An entire church" is not charged with a criminal offence. The accused is the corporation Church of Scientology of Toronto.

2. The alleged offences did not occur over a decade ago. The charges of possession of stolen property span a time period ending March 3, 1983.

As I have noted in responding to other correspondence pertaining to this case, the Court of Appeal for Ontario has held that those who commit secular crimes are not immune from prosecution merely because the crimes are committed to further the objects of a religious organization. This principle is equally applicable to individuals and corporations.

Any further comment regarding the Scientology case would not be advisable as the case is presently before the courts and is subject to a ban on publication of the evidence.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

- Adams, Peter (Peterborough L)  
 Allen, Richard (Hamilton West NDP)  
 Ballinger, William G. (Durham-York L)  
 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
**Bradley, Hon. James J.**, Minister of the Environment (St. Catharines L)  
 Brandt, Andrew S. (Sarnia PC)  
 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
**Caplan, Hon. Elinor**, Minister of Health (Oriole L)  
 Carrothers, Douglas A. (Oakville South L)  
 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
**Conway, Hon. Sean G.**, Minister of Mines (Renfrew North L)  
 Cooke, David R. (Kitchener L)  
 Cooke, David S. (Windsor-Riverside NDP)  
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 Cunningham, Dianne E. (London North PC)  
 Cureatz, Sam L. (Durham East PC)  
**Curling, Hon. Alvin**, Minister of Skills Development (Scarborough North L)  
 Daigeler, Hans (Nepean L)  
 Dietsch, Michael M. (St. Catharines-Brock L)  
**Eakins, Hon. John F.**, Minister of Municipal Affairs (Victoria-Haliburton L)  
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 Elliot, R. Walter (Halton North L)  
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 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
 Faubert, Frank (Scarborough-Ellesmere L)  
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 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
**Fontaine, Hon. René**, Minister of Northern Development (Cochrane North L)  
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 Hampton, Howard (Rainy River NDP)  
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 Johnson, Jack (Wellington PC)  
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 Kanter, Ron (St. Andrew-St. Patrick L)  
**Kerrio, Hon. Vincent G.**, Minister of Natural Resources (Niagara Falls L)  
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 Kormos, Peter (Welland-Thorold NDP)  
 Kozyra, Taras B. (Port Arthur L)  
**Kwinter, Hon. Monte**, Minister of Industry, Trade and Technology (Wilson Heights L)  
 Laughren, Floyd (Nickel Belt NDP)  
 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
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 Mahoney, Steven W. (Mississauga West L)  
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 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Mclash, Frank (Kenora L)



Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
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 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
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 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
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**Phillips, Hon. Gerry**, Minister of Citizenship  
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 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
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 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
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 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
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 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reyecraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

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No. 128

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**  
Wednesday, January 11, 1989



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of members of the Legislative Assembly of Ontario.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, January 11, 1989

The House met at 1:30 p.m.

Prayers.

## MEMBERS' STATEMENTS

### WINE INDUSTRY

**Mr. Wildman:** Now that the provincial Liberal government has thrown in the towel and dropped out of the fight to protect Ontario grape growers and the wine industry from the effects of the agreement negotiated by Canada under the General Agreement on Tariffs and Trade, it must make a commitment to increase the financial compensation package for the province's grape growers.

Initially, the Premier (Mr. Peterson) said Ontario would not comply with the seven-year schedule for the changes in markups agreed to by the federal Canadian negotiators. He said Ontario would stick to the 12-year phase-in he had promised earlier. Last week, the Premier said Ontario was going to enter into negotiations with the federal government to comply with both GATT and the free trade agreement.

Once again, the Liberals have proved that the rhetoric about opposition to the federal Conservative trade agreement is nothing more than words. The compensation package for the Ontario grape growers was inadequate; it was less than was received by grape growers in British Columbia. Now that the Ontario Liberal government has said it is going to comply with the federal agreement, it must increase the package to be commensurate with what was proposed and received by the British Columbia growers. Otherwise this government has completely abandoned the grape growers and the wine industry.

### WASTE MANAGEMENT

**Mr. McLean:** My statement is for the Premier and the Minister of the Environment (Mr. Bradley). The Premier recently suggested that plans are in the works to set up a garbage authority in conjunction with the greater Metro Toronto area. I understand that this proposal is aimed at creating a co-operative approach to solving the waste disposal crisis in and around Metro Toronto. He has made no formal an-

nouncement about this proposed garbage authority. His actions leave everyone with the impression that once again he is trying to bury our garbage problem rather than rolling up his sleeves and finding a solution to this extremely serious problem.

I wish he could have joined me on Monday when I met with pupils of Couchiching Heights public school in Orillia. Their teachers had invited me to discuss waste management and the benefits of recycling. The Premier and his Minister of the Environment would have been amazed at the knowledge these pupils have about recycling and would have been touched by their concern over the garbage crisis we have in Ontario.

I say to the Premier, these pupils could have taught him a great deal about an issue that his government refuses to address. He is showing no leadership. He may not realize that we have a garbage crisis on our hands, but the pupils at Couchiching Heights school certainly do. Please do not leave these pupils with the legacy of garbage. Rather than setting up one more group to study the garbage issue, we need action and we need it now.

### NATIONAL NONSMOKING WEEK

**Mr. Dietsch:** Tomorrow, January 12, starts National Nonsmoking Week. This year's theme is children and smoking. In my riding of St. Catharines-Brock, the Ministry of Health provided \$17,200 to the regional Niagara health services department which is using the funds to reduce smoking in the workplace and promote healthier lifestyles among children.

The Niagara Interagency Council on Smoking and Health, which comprises the Addiction Research Foundation, the Canadian Cancer Society, the Heart and Stroke Foundation of Ontario, the Niagara region and regional Niagara health services department, has co-ordinated kits, exercises, videotapes, buttons and posters for kindergarten to grade 12. These items deal with such things as the medical risks of smoking, resisting peer pressure and the effects of second-hand smoke.

Grade 1 students now are the symbolic ambassadors to the smoke-free society when they



graduate in the year 2000. With the great amount of medical evidence that exists against smoking, such as addiction, lung cancer and foetal complications, I would like to give my whole-hearted support to the ambassadors of the smoke-free class of 2000 and encourage all members of this House to assist in the public campaign against smoking, especially with children. After all, if we can stop it before it starts, we will all enjoy the benefits of a healthy and smoke-free environment.

#### ACCESS TO SCHOOLS FOR CHILDREN OF REFUGEES

**Mr. R. F. Johnston:** In the news this morning, there were headlines indicating that the York Region Board of Education was refusing education to 100 refugee children. It is an incredible situation in this province that a board would flout the law which requires the public board to give education to those who require it who are under the age of majority.

While it is true that the government does not as yet recognize the extra costs of providing education to refugee children and boards feel like as it are being stiffed, there is nothing new in this. The boards have been stiffed by this government and the past government for a long time on a number of issues around education funding.

My own board in Scarborough met this crisis several times this year as refugee families came into the community and new teachers had to be found from an ever-dwindling stock of ready teachers. They did find the money, even though they rightfully feel it is not fair for them to be carrying the entire burden of the cost, as they are.

I therefore call upon the government to initiate some spending in this area to recognize the real costs to these families who are going through enough travails as it is without having to have to worry about being kept out of school at this point, coming from very unpeaceful situations to wondering why they cannot send their kids to our schools in peace now.

**Mr. Cousens:** I would like to comment on the recent action by the York Region Board of Education to exclude immigrant children from classes. This is an unfortunate situation, but what is truly regrettable is that it was almost inevitable.

School boards in Metro and greater Metropolitan Toronto are desperately trying to cope with a huge influx of new children. New provisions to Bill 69, An Act to amend the Education Act, will include children of refugee claimants to be freely admitted into our school system. This is a

welcome move. But realistically, how can we expect our school boards to manage their overwhelming student populations without adequate funding from the province? These children require special classes to teach them English. They require special attention to help them adapt. This takes more teachers, more textbooks, more services. This takes more money.

Even with our existing student population, the classrooms of York region and surrounding areas are overflowing. Our children sit in portables. They have rotating lunch hours. They wait for the completion of new schools. I do not doubt that the Minister of Education (Mr. Ward) shares these concerns. I also do not doubt that during such prosperous times he can manage to assist York region in this time of need.

Our children are our future and I, for one, am greatly concerned for the children of York region and across Metro Toronto who are in need of the board's assistance. I say to this government, we have an obligation to the children of Ontario, to the children here now in our jurisdiction.

1340

#### RAIL SERVICES

**Mr. Tatham:** The Toronto Star, December 3, 1988: "Land Prices for Housing Triple in Three Years."

"Harriet Stanley, finance expert for the High-Speed Rail Association, says, "I've worked on or been exposed to every high-speed rail system proposed in this country, and the expense for each one is not land or construction, but financing."

The 100th United States Congress recently passed legislation permitting tax-free bonds to be sold to finance high-speed rail projects.

Florida's Legislature created a high-speed rail commission in 1984. Rail proponents want to link Tampa, Orlando and Miami. The Legislature wants to award a franchise in September 1991, with the hope that trains will be running by 1995. The state has added real estate development rights around each station. With about 800 people moving to Florida every day, rail proponents contend that real estate development along a rail line could produce profits high enough to offset the losses of building the train.

Again, according to a December 3, 1988, story in the Toronto Star: "Land Prices for Housing Triple in Three Years." You know, Florida might have a good idea.

#### TRANSIT SERVICES

**Mr. Breaugh:** I just want to invite the entire cabinet to come out with me some morning next



week to the GO rail station in Whitby. I want to remind them to bring the cars and the limousines because there is not any place to park. I want them to see what it is like about 7:30 in the morning when the herds roll in and try to get on that system.

I want them to see—those of them who are interested—accessing of buildings for the handicapped. I want them to come and see what the handicapped would have to go through to get on a GO train.

I invite the Treasurer (Mr. R. F. Nixon) to come out. Even though he does not have a visible handicap, I would like to see him waddle up and down the stairs at that train station in Whitby and see what kind of shape he is in when I push him on the GO train.

## STATEMENTS BY THE MINISTRY

### ACCESS TO SCHOOLS FOR CHILDREN OF REFUGEES

**Hon. Mr. Ward:** Recent developments within the York Region Board of Education have raised serious and fundamental questions concerning the rights of access to the elementary and secondary schools of Ontario for the children of refugees.

It has been widely reported that the board has indicated its intention to refuse to permit the children of some refugees or refugee claimants residing within its jurisdiction to attend school.

I have obtained a legal interpretation of the Education Act as it deals with this matter, and I wish to state clearly and unequivocally the policy of the government of Ontario.

The children of any refugee or refugee claimants who reside in Ontario are entitled to attend school in the jurisdiction where they live. This morning officials of my ministry contacted the York Region Board of Education to explain to the board its obligations under the laws of this province. Today my ministry will remind all boards in the province of this responsibility.

I am confident that this matter will be resolved, that the board will conform to the provincial policy as I have stated it and that the children in question will be provided with the access to our schools to which they are legally entitled.

This issue, as raised, is one of accessibility rather than of fees related to the education of refugees. I wish to point out, however, that during the debate on Bill 69 I will be introducing an amendment, which I believe has already been circulated, which further clarifies our existing policy that the children of refugees or refugee

claimants may attend school without payment of fees.

## RECREATIONAL FACILITIES

**Hon. Mr. O'Neil:** I am delighted to stand in the House today to announce phase 1 of the new recreation facilities and capital conservation programs for the 1989-90 fiscal year.

As all members are aware, these lottery-funded programs of the Ministry of Tourism and Recreation help to build and upgrade recreation facilities in municipalities throughout Ontario. As a result, more citizens across the province are encouraged to adopt healthy lifestyles through fitness, sports and recreation activities.

The first phase of this program, for 1989-90, totals nearly \$21 million and will be announced over the next few weeks. The timing of these announcements, in advance of our new fiscal year, will assist municipalities and client groups to move ahead with their budgeting plans. It will also allow them to take full advantage of what are often limited building seasons.

Recreation facilities are the focal point of activity in many communities across the province. By helping to improve them, we are broadening recreational opportunities for all. This government is committed to the continued development of Ontario's excellent recreation system, a system which helps to build strong, healthy bodies and strong and healthy communities.

## RESPONSES

### ACCESS TO SCHOOLS FOR CHILDREN OF REFUGEES

**Mr. R. F. Johnston:** If I can place my tongue in my cheek for a second, I would say that is the quickest response to a member's statement I have ever seen, but I realize that the minister has in fact already made comment on the issue of the refugee children being refused access to the schools in the York system already.

I am pleased with his statement and his tough response. I think all of us understood, without going for a legal opinion, that the Education Act is fairly specific about the obligations of public boards. It is unfortunate that a board would, at this stage, make these refugee children the pawns in a dispute with the ministry, which is what I essentially see this as being.

The minister and members of this House will know that while the select committee on education was sitting this summer, boards from Metropolitan Toronto came before us to show us the staggering figures of thousands and thou-



sands of unexpected children in their systems, refugee children they were having to accommodate at incredible extra expense.

We are not just talking about an additional teacher for 20 or 30 students. We are also talking about ancillary costs: English-as-a-second-language assistance, various kinds of socialization assistance for people coming from various other countries and a lot of other kinds of support to kids who come from very psychologically damaging backgrounds because of the dangerous situations which they have been fleeing.

At this point, the government has not recognized, either in its amendments to Bill 69, which the minister is touting, or in other actions, that there are these kinds of costs and that the boards of education of this province should not be expected to carry the full cost of educating these children and giving them the ancillary services they need. That is what the boards of Ontario need to hear from this ministry, that there is in fact a program from this government to give them the kind of assistance they need, to make sure that these children will get the kind of education they warrant, as any other child in this province does.

I would hope that in the next little while the minister will respond, not just with the tough-minded approach he has today in terms of saying it is their responsibility, which it is, but in some way to deal with this issue which is going to be ours for the next number of years, even with this new immigration law that has been brought in. We, as a province, have a special responsibility to carry those kinds of costs and not to throw them on to the local taxpayer.

**Mr. Cousens:** In responding to the comments made by the Minister of Education (Mr. Ward), I think there are several things that have to be made very clear about what is happening, first of all in York region and then throughout the province.

The York Region Board of Education presently has a strike on its hands, with the janitorial and caretaker staff out. Although the board is anxious to respond to the needs of refugee claimants' children who are within the area, the surge of new people who have come into the riding during the Christmas season has certainly posed certain pressures on that board which I think go beyond the general norm that we have.

When the minister comes along and says he is bringing in a new bill, Bill 69, that will solve the problem, it does not face up to the fact that there is an existing problem there right now, a problem in fact that these are claimants' children. They are in the province, they are in the country and

they really have no status beyond that which is coming before the courts. Yet we have people coming into our area, living in portables, not having schools and sorting them out without the kind of funding and support from the province to really provide for an educational system that they need, want, demand and can expect.

**1350**

I have to tell the honourable minister that we all share a concern about the needs of children coming into our province. I think there should also be some backing up of the funds required by the board to provide these services. I know that the York Region Board of Education is anxious to fulfil that responsibility. I just wish that the honourable minister would fulfil his responsibility to help them provide the services that they need. This is a very serious consideration. We have to start with the needs that exist within growing communities, and the needs of our immigrants and new Canadians who are coming into this country.

It is obvious that everybody keeps trying to pass the buck. I think we want to do the very best for all people in this province when they are here. It is obvious that the province is in part responsible for this problem by not having clearer guidelines. The fact that the minister has to go out and start directing boards to do certain things which he says are clear—he would not have to do that if everything were as clear-cut as he says it was. He would not have to be as sincere in his statement if in fact the ministry was funding the kind of education that we have come to expect in this province. It is a serious problem and I just hope that we are not going to be faced with this one again as we have in several other areas in this government.

Interjections.

**Mr. Speaker:** Order.

#### RECREATIONAL FACILITIES

**Mr. McLean:** I just wanted to respond briefly on the statement made by the Minister of Tourism and Recreation (Mr. O'Neil). While I welcome the statement, I know that there are many municipalities that would be interested to know what his second phase allotment will be, and his third phase. I presume there are four phases to this program. They would be pleased to know that there will be probably \$21 million allotted for each phase.

I would be interested, as would be the municipalities across this province, in the minister's reaction with regards to Bill 119 and how he is going to fight to retain the funds for these

communities. The \$21 million in this announcement are welcome and I just anticipate that the minister will continue on another three announcements of the same amount.

### INNOVATION CENTRE

**Mr. Sterling:** On a point of order, Mr. Speaker: Last Wednesday I asked the Minister of Industry, Trade and Technology (Mr. Kwinter) a question in relation to the McPherson report. This is a report dealing with the closing of innovation centres in Ontario. I followed that up with a request from my office to his office for a copy of that report. It is my understanding from the standing orders that a minister has the right to refuse to answer your question. Under the letter which I received from his legislative assistant today, he is agreeing to give me the information if I pay to him \$40.60.

Mr. Speaker, is it to be my understanding that a minister now has the option to charge me for an answer?

**Mr. Speaker:** I appreciate the member's point of order. The only thing I can take out of that point of order is whether the minister really has to respond to the question. The Speaker has no authority to make a minister respond. However, I believe the member has made his point very clear to the minister.

### ORAL QUESTIONS

#### NURSING SERVICES

**Mr. B. Rae:** The Minister of Health (Mrs. Caplan) is not here today. Presumably the Premier (Mr. Peterson) is going to refer the question to her parliamentary assistant, the member for Kingston and The Islands (Mr. Keyes), but perhaps he will answer the question today.

He will know, because of his own constituency, that the problem the minister has referred to as a "Toronto problem" is not really a Toronto problem. I am sure he realizes that in fact the average waiting time for open-heart surgery at Victoria Hospital in London is six months, and can be as long as 15 months. The waiting list in October was 205. As of December, the waiting list at that hospital was nearly 230. So we have seen an increase in the waiting list in the last three months.

This is a crisis affecting citizens across the province. It is not simply a Toronto problem, it is an Ontario problem and it is one which the Premier, as the leader of this province, has to address.

**Mr. Speaker:** Do you have a question?

**Mr. B. Rae:** I want to ask the Premier very directly, is it still the official position of his government that he will not, and his government will not encourage the Ontario Hospital Association to reopen the collective agreement with nurses and reach an agreement which will ensure that we will, in fact, have enough cardiac care nurses?

**Hon. Mr. Peterson:** With respect to the question, my honourable friend opposite understands the sanctity of collective agreements. I have heard him on many, many occasions argue that is the paramount social priority for this province, yet he has a different view on this matter today. I understand that, but I thought the discrepancy should be pointed out.

I should say that the ministry officials met yesterday with the OHA. I understand they are meeting next week with the Ontario Nurses' Association. There are a number of issues involved, as my honourable friend knows. The pay issue is not the key issue, but there are a number of other issues involved, as well.

The minister announced prior to Christmas—indeed there is a meeting tomorrow with the deputy and the OHA with respect to regulations concerning the role of nurses in the hospitals. So there are a number of issues that are being addressed. I think my honourable friend, and I recognize there is a problem, knows that the minister is persuading the groups to get together to examine all the issues involved herein.

**Mr. B. Rae:** I do not know how the Premier can say that the problem of money is not critical when we know there are literally hundreds of nurses who have voted with their feet in the critical care field and have gone to work for agencies.

The hospitals are saying, "We are not going to pay the agencies the \$25 to \$30 or more that they are asking to get cardiac care nurses to work." I do not know how the Premier can stand up and say that the problem of wages and money is not one of the critical issues. It is obviously a critical issue. It is critical to the ONA, which has asked that the collective agreement be reopened.

I wonder if the Premier would not agree that human life is what is involved here, that protecting and saving lives is what is involved here and that that indeed is the most important issue. That is what the issue is about and that is why it is important that the collective agreement be reopened by the employer in order that we can inject more money where it is needed in order to save lives. That is what is at stake right now.



**Hon. Mr. Peterson:** I agree with my honourable friend's interpretation about the fundamental issue. I think what I said is, and he can check the record, that money is not the critical issue. The critical issue, obviously, is people's lives and proper health care. We have to address those. There are a number of other things—working conditions, professional relationships and other things, as well. The minister is sitting down, through the ministry officials, with the OHA and ONA to try to persuade them to come to an agreement on these matters.

**Mr. B. Rae:** Just so the Premier will know, we have waiting lists of as long as five or six months in Hamilton at the Hamilton Civic Hospitals. We have waiting lists of over 200 at the Ottawa Civic Hospital, the Heart Institute in Ottawa. We have the waiting lists that I have described at the Victoria Hospital. At University Hospital we have a waiting list of nearly 100 and a waiting time of four months, but it can be as much as seven or eight months.

This is not an issue or a problem that is going to go away, nor is it a problem confined to Metropolitan Toronto, nor is it an issue which one should be looking at from a technical perspective. The minister has not even met with the OHA or ONA. She is leaving it all to her staff. The Premier has not met with these people on this critical question.

I want to ask the Premier, is the government of Ontario prepared to announce today that he will meet directly with ONA and with the OHA and that he is prepared to play a role in seeing that enough money is provided for nurses that they will stay on staff at our hospitals, they will be paid, they will be treated and they will be seen as the critical foundation of our health care system when it comes to our institutions? Is the Premier prepared to do that now—yes or no?

**Hon. Mr. Peterson:** I believe I already have a meeting in my diary with the ONA. I am happy to sit down and discuss these matters with them. That was some time ago.

But my honourable friend talks about Ottawa Civic, and in anticipation of these problems, my honourable friend is right. There are far more pressures on the system than there were in the past with respect to cardiac surgery. We know the reasons why. In an ageing population, the average age of people getting bypasses is becoming older.

There are, as the member knows, other issues involved here, not just cardiac surgery but other alternatives to that as well. The utilization and the effective use of the existing facilities; all of

those are issues here. We are searching for solutions in conjunction with the other partners who are delivering these very important services.

In anticipation of this, the minister some time ago announced an expansion of Ottawa Civic. New beds are being added there. The member mentioned Hamilton Civic. As part of the redevelopment, there is a doubling of the critical care beds to increase the case load there, which will be in operation in mid-February. There is action in these areas.

**Mr. B. Rae:** One cannot perform operations without nurses. One day this government will wake up to that fact.

1400

### AFFORDABLE HOUSING

**Mr. B. Rae:** My new question is to the Minister of Housing. Last June, when the Premier (Mr. Peterson) and I had an exchange on escalating housing prices, he said that the heat had gone out of the market. He said that the facts on house prices said there was "a downward trend." More than a year before that, the Premier's colleague the Treasurer (Mr. R. F. Nixon) said on May 1, again in answer to questions from me, "There is every indication that the soaring price of houses has reached its peak and the pressures are subsiding somewhat."

These are great predictors that the minister has as colleagues. We now know that the average price for a resale home in Metropolitan Toronto—including, I might add, Mississauga, Pickering and the southern portion of York region—was more than \$250,000, which is a 30 per cent increase from the December 1987 price, and a nearly 60 per cent increase from the December 1986 average price. You would need to have a family income of over \$92,000 to be able to afford a house in Metropolitan Toronto.

I want to ask the minister this simple question: She said people can get an affordable house at around \$150,000 but they have to go rather further afield than they are going right now. Is she in fact not admitting that one cannot find an affordable house for sale in Metropolitan Toronto? Is that not what she is admitting?

**Hon. Ms. Hošek:** It is because of the increase in prices of housing in this province, in particular in this area, that a large number of people who used to be able to afford to buy their own homes are finding it very difficult. That is something that all of us understand.

[Applause]

**Hon. Ms. Hošek:** I am glad the members of the opposition agree with me.



That is the reason this government has put forward measures to increase the supply of housing which people of moderate income can afford. We have made it very clear that we expect all municipalities in the areas of high growth and high pressure to take their role and their responsibility in this matter. We have said through our policy statement that we expect every municipality in this area to make sure that at least one quarter of the new housing that gets built in this province is targeted to people of low and moderate income.

The significant issue here is to increase the supply of housing that is available to people of moderate income. The only way it will be done is when all of us work together and when the rules for building, the options for the kinds of building, the use of land and intensification are expanded to make it possible—

**Mr. Speaker:** Thank you.

**Mr. B. Rae:** I was interested in her homily. I always feel like a student in one of the minister's classes, sitting far at the back, I might add, and not doing terribly well, as she tries to explain patiently. I am sure the entire population feels the same way as it listens to the minister's explanations. If she is so committed and her government is so committed to the supply of affordable housing, I would like her to answer this simple question.

When the ministry itself underspent its approved budget in 1986-87 and 1987-88—in other words, the two previous years to this one—by nearly \$100 million, why would the government think it has any particular credibility with the federal government or municipal governments or people who are waiting for housing or anybody else when it has not spent that money and has not added that money to the current budget to make sure that the government of Ontario spends the money that has been allocated to housing by two different budgets? They had underspent it by nearly \$100 million.

**Hon. Ms. Hošek:** The spending of this government on social housing since it has come into power has doubled, from \$180 million to \$360 million a year. That is an unprecedented growth. There are a number of things that we are doing to increase people's options in housing in this province, and I challenge the member opposite to find any government in Canada that has done more, ever, than this government has done on housing. I challenge him to do that.

This government has made it very clear that we expect people to have choices in housing through building affordable housing, through intensifica-

tion, through our Ontario home ownership savings plan, through working with the office for the greater Toronto area to make sure that there are greater choices for people; we have done a variety of things and we are doing more. We are using our government land to make sure that there is affordable housing for people in this province.

I think that this government has shown very clearly, through its actions and its words, its commitment to these things, and I must say that perhaps the Leader of the Opposition always did sit in the back row of the classrooms which he graced.

Interjections.

**Mr. Speaker:** Order.

**Mr. B. Rae:** In response to a question from one of her own colleagues yesterday, the minister said her magic solution to the problem that this government is having with the federal government on the question of its \$90-million contribution to the affordable housing-nonprofit housing crunch is to suggest to the federal government that it should take money and units out of its 1989 allocation and put them into 1988.

Again I apologize if I do not have this right, but they have underspent by \$100 million and they are doing better than anybody else ever did, ever in the world ever, according to the minister. I would like to ask the minister, and it is what she said: To save 1,300 units in 1988, can she explain why she is in effect prepared to sacrifice 3,800 units in 1989? That is what she suggested in response to questions from one of her colleagues. She is going to actually reduce the amount of the federal—

**Mr. Speaker:** The question has been asked.

**Hon. Ms. Hošek:** I am not prepared to sacrifice any units. The one thing that I was saying to the federal minister yesterday was that the only way we could get the units that are ready to go right now built as quickly as possible was for him to change his rules and allow that money to be spent out of the 1989 allocation.

I also said that the loss of units that would represent, unless the federal government did what I have asked it to do repeatedly, which is to keep up with the pressure in this province and to make its commitment firm—it has said in the past that it will build about 6,900 units in this province, together with us. I am asking them to hold to that commitment at the very least, which seems to me to be very modest indeed, given the pressures in this province.



Our commitment is very firm both to work with the federal government and to use all our resources in balance with the federal government and to go beyond it with our unilateral programs in this province to increase the supply of affordable housing and to increase nonprofit housing.

**Mr. Speaker:** Thank you.

Interjections.

**Mr. Speaker:** Order. New question, the member for Nipissing.

1410

**Mr. Harris:** I still do not know how the minister cries at the feds when, two years in a row, she has turned money back in to the richest Treasurer in the history of the country.

Notwithstanding the fact that the minister's definition yesterday of affordable housing at \$150,000 was substantially different from her government's definition of affordable housing, which sets the limit at \$133,000, yesterday the minister indicated to the media that affordable housing was available in Metropolitan Toronto, using her wrong definition presumably.

On the radio this morning, Robert Holiday indicated that he has searched the city long, far and wide, and the only house that he found that met the minister's wrong definition was 13 feet wide and had four rooms, including the bathroom.

If the minister knows where to find affordable housing in Toronto, I suggest it is truly one of the best-kept secrets in all of Metropolitan Toronto. My question simply is this: Can the minister identify this mysterious one house, even one house, that meets the definition in Metro Toronto?

**Hon. Ms. Hošek:** The issue is the increasing of supply of affordable housing in this province, and I want to give a very full answer to that question. We have said very clearly that we define a house as affordable when it is available to people up to the 60th percentile, spending no more than 30 per cent of their gross income on housing cost. That would mean a \$133,000 house for people with about \$47,500 in gross income.

There are houses of that sort available in the outlying regions. What I have said very clearly is that our task is to make sure there is more choice. Of course, there are not enough houses for people who have modest incomes. That is the problem we have clearly identified together. I am surprised that anyone is surprised at that. We know that. That is the reason we are doing the

work we are doing, to make sure that municipalities work with us and with the private sector to develop options for housing for people of moderate income.

That is the reason we have done what I think is really unusual. We have made a commitment about a land use policy based on social needs. We have said that we expect municipalities to work with us to make it possible for housing—

**Mr. Speaker:** Order.

**Mr. Harris:** The issue really is whether the minister is so out of touch with what is happening, even in her home municipality of Metropolitan Toronto, that she does not even know what is affordable housing any more. Yesterday, the minister said \$150,000. Holiday went on that figure. He found one at \$150,000. He was not able to find anything under her own ministry definition of \$133,000.

I am not the only one to receive calls today on this. I suggest to the minister that there are probably a lot of people tuned in today waiting right here and now in question period to hear the minister reveal where this mystery house is. The minister cannot identify one.

Let's say that we disagree, if the minister likes. She disagrees with everybody else in the province.

**Mr. Speaker:** Order. Would you place your supplementary?

**Mr. Harris:** Let's say for the moment that we disagree on that. Will the minister today agree on one simple fact: that is, that as scarce as it is, whether there is one, none or two, increasing the lot levies will indeed make affordable housing more scarce, more difficult to find, a bigger problem in this province?

**Hon. Ms. Hošek:** Mr. Speaker, I hope you will indulge me because I want to give a full and complete answer to this question.

This government has indicated very clearly its commitment to increasing affordable housing in this province for people of moderate income. One of the clear goals of the paper that was released about the infrastructure costs associated with high-growth areas indicated that that was one of our major commitments and that we are trying to balance the need for affordable housing with the need for services for those houses.

I am not prepared to have the housing in this province which is affordable have to deal with services of the sort that the supermailboxes are in this country. I know the member opposite feels perfectly comfortable with supermailboxes because it is his party that introduced them into

Canada, but I am not prepared to have that level of service available to the people who live in this province.

Let me just ask the member opposite for a comment on this whole topic. The previous critic on this topic said in the standing committee on general government on December 8, 1988:

"Lot levies are a subject I could spend an awful lot of time on.... On the one hand, you have the school boards craving, starving; they are just dying for more money. As a trustee when I was chairman of our school board in York region, I supported that. We came down and tried to get it from some of your predecessors and we did not win it then. What are your plans now?"

This government is committed to balancing the needs of people for housing and also for other services. I would like to know—

Interjections.

**Mr. Speaker:** Order. I would like to remind all members that I would like as many members as possible to have the opportunity to ask questions. You will note the time on the clock.

**Mr. Harris:** You won't let me answer.

**Mr. Speaker:** Thank you very much. For the information of the member for Nipissing, his first question took 90 seconds; the response was 90 seconds. The second question took 100 seconds; the response took 110 seconds. So I hope we can keep it a little shorter.

**Mr. Harris:** In response to the minister's question, there will come a time in two, three or perhaps four years when I will be in a position to answer questions and I will be glad to do so in this House.

The minister quoted from other documents today. I would like to quote from a document as well. The Premier may want to listen to this as he contemplates his cabinet shuffle. This document is from the resident Ontario Fisheries Advisory Council. They made a request to the Minister of Natural Resources (Mr. Kerrio) to allow and have the ministry allow the imposition of a lot levy to allow for intervention on environmental impacts of new subdivisions.

The minister said, "I am reluctant to suggest my government will impose a levy on developers which will serve to escalate even further the price of housing in this province." That is in his report that I got. He cares. He has shown some concern for housing. Is the Minister of Natural Resources wrong too? Can the minister explain to this House why even the Minister of Natural Resources, for a small amount—

**Mr. Speaker:** Order.

**Mr. Harris:** —for environmental purposes, is fighting for affordable housing in this province while she is not?

**Mr. Speaker:** Would the member for Nipissing show a little more respect?

**Hon. Ms. Hošek:** I reject categorically the suggestion of the member opposite that I am not fighting for affordable housing. Let me ask him the question. It seems to me he has been too busy with his leadership plans to answer a question on lot levies.

It is perfectly clear to me and I think to a lot of people in this province the work that this government has been doing to increase people's options in housing. Let me remind the member of that since he seems to lose track of it as we go along.

1420

Interjections.

**Mr. Speaker:** Do you wish to answer? I would remind all members the tradition is to present their comments through the chair.

**Hon. Ms. Hošek:** The commitment that this government and I and this ministry have made to increasing people's choices in housing is very clear. A little bit earlier, the member opposite indicated that he thought I was out of touch with what was happening to people in this province. Let me point out to the member that I have visited the places where people who have no homes at all have to live and I have visited the buildings on Huron Street and Shuter Street where we have made a difference. I have worked with the people who work as community activists to give people more choices than they currently have.

I am proud of what we have been able to do, though I know it is not yet enough. I think the work we are doing is extremely significant. It is the most responsive that we can possibly be to the work people in the community are also doing to increase options for people who are homeless and to people who have very few housing choices in this province. The work that we are doing is there to be seen in all the projects that we are working on and all the ones that have been opened. I would be delighted to take the member with me—

Interjections.

**Mr. Speaker:** Order. Thank you.

## NURSING SERVICES

**Mr. Brandt:** My question is for the Premier in the absence of the Minister of Health (Mrs. Caplan). The question relates to the nursing shortage in our province. I am sure the Premier is



aware that as a result of limitations placed on hospital budgets, certain cutbacks have occurred with hospitals, not only bed closings but certain staff reductions. As a result of those cutbacks, what has happened is that many nurses who work in those hospitals are required to take on jobs that are normally filled by orderlies, secretaries and receptionists.

In fact, the Goldfarb report, which was released last year, indicated very clearly that 30 per cent of a nurse's job is taken up doing the nonessential or essential services related to nursing but not directly related to a nurse's professional training. Will the Premier endorse the findings of the Goldfarb report which indicate that to stop the outflow of nurses who are now leaving the system, one of the ways to keep those nurses in the system is to have them do the jobs they were professionally trained to do?

**Mr. Speaker:** Thank you.

**Mr. Brandt:** Will the Premier endorse the findings of the Goldfarb report? It is a simple question.

**Hon. Mr. Peterson:** I think my honourable friend puts his finger on one of the problems involved in the nursing shortage, and that is the professional role they play, the role inside the hospital and other matters. I disagreed with my friend opposite when he perhaps gave the impression that it was just a matter of money. There are many issues involved here.

That is a question for the Ontario Hospital Association and the Ontario Nurses' Association to work out. As I told the House a little earlier, there are meetings going on with the support of the ministry to try to bring those groups together and solve those kinds of problems. Yes indeed, we are encouraging them to be addressed.

**Mr. Brandt:** Well, simply to ask the OHA and the ONA to get together is not going to solve the problem. There are some 1,400 nursing shortages in the Metro area alone. Fully seven per cent of the entire required complement of nurses in the Metro area has gone unfulfilled as a result of nurses leaving the profession at a rate which is quite frightening.

As a matter of fact, over the next 10 years it is anticipated, according to the projections of the nursing association, that some 6,000 nurses will leave the profession—that is, double the number who would graduate in any one year from nursing schools—at a cost of about \$28,000 per nurse to train and prepare someone to fill those positions.

Can the Premier not sit down with the Treasurer (Mr. R. F. Nixon) and take a look at some realistic projections on what we are losing

on the one hand, namely, a projected \$168 million—

**Mr. Speaker:** The question?

Interjection.

**Mr. Brandt:** I have to tell the member I am not talking about spending money; I am talking about saving money, about projections in terms of saving money and injecting some of that money into the hospital system so that we will not continually demand that nurses do non-nursing jobs.

**Hon. Mr. Peterson:** I recognize that there are, shall we say, administrative irregularities. I think one could argue that perhaps all professionals, as nurses are, end up doing some things that are not directly related to their professional training. I am sure that a party leader would find the same situation, and doctors and others do administrative work.

I do not diminish the point of my friend opposite, but let me say that the allocation to the Ministry of Health as announced by the Treasurer this year was an 8.1 per cent increase, a very large increase, the largest in the budget, a \$440-million increase. Over the last three years, health care has been funded at far beyond the rate of inflation and has been the largest expenditure, I believe, in our provincial budgets the last two or three years.

One cannot stand in this House and suggest there are any cutbacks. There are no cutbacks. This is a massive amount of funding. It is now \$13 billion or so. It is a third of the provincial budget. What we are doing is working with the providers to make sure that we are providing the best medical care possible in a way that the people of this province are comfortable with and can afford. We stand four-square for an accessible, quality system and we are working with the providers to provide that.

**Mr. Brandt:** I do not want to suggest to the Premier that there have been cutbacks in funding. I do want to suggest that there have been very significant and critical cutbacks in service and the quality of health service in this province. I will mention one area where there have not been any cutbacks, and I say this for the informed information of the Minister of the Environment (Mr. Bradley) who continually talks about where we want to spend money. I will say where we in this party would cut money out of the budget.

Over the last three years, 1986 to 1988, there has been a growth of 577 new people in the Ministry of Health, in the bureaucracy, not in hospitals: not nurses, not people on the front lines

of delivering health care in this province but people who are in the bureaucracy. Does the Premier find that is the priority of the government, to put almost 600 people in that category as opposed to putting those people in an area where they could deliver a better quality of health care to the people of Ontario?

**Hon. Mr. Peterson:** As I understand it, we have undertaken a large number of new programs in the Ministry of Health which respond to some of the new problems and priorities, acquired immune deficiency syndrome and other things, as well as in our psychiatric hospitals, where we had some major problems.

We do not hire a bureaucracy for the sake of having a bureaucracy, but in some areas—and I say this without any apologies to my honourable friend opposite—we have increased the staffing; in the Ministry of the Environment, for example, which is very important for this government and I know was not important to the member when he was the minister. We have done so with young offenders and to deal with some of our new responsibilities and we will continue to do so.

I say to my honourable friend that we have continued to fill those responsibilities. We need good people to do so and we have those good people.

#### WORKERS' COMPENSATION

**Mr. Laughren:** I have a question for the Minister of Labour on Ontario's incredible Workers' Compensation Board. The minister should know that a constituent of mine, André Petitclerc, in October 1988, was awarded benefits for chronic pain and a permanent partial disability pension by the Workers' Compensation Appeal Tribunal, using the board's criteria for chronic pain.

He won the award but, in January 1989, the Sudbury office of the Workers' Compensation Board overruled WCAT, despite the fact that WCAT had used the board's criteria for chronic pain. How does the minister justify that ridiculous policy of the board of continuing to stick it to injured workers when they have won an award through WCAT?

**Hon. Mr. Sorbara:** I will tell the member for Nickel Belt that I am not familiar with the details of that case, but a regional office or the head office of the Workers' Compensation Board does not have the authority to overrule a decision of the WCAT. A decision of the WCAT under the act can be reconsidered only under section 86n of the act. There has been some controversy over section 86n, and it is one of the things that we are

going to examine as we proceed with the green paper exercise.

If the member wants to send me more details of the case, I can put the matter before the board and give him a more complete answer.

1430

**Mr. Laughren:** The minister knows full well that this is a policy question. It is a problem caused by section 86n. The problem would have been resolved if he would have listened to my leader on his private bill, Bill 195, which would simply have repealed section 86n of the act.

What I am asking the minister is, will he intervene to make sure that there is an end once and for all to the WCB and its regional offices overruling WCAT when WCAT uses all of the criteria established by the board itself? Does he take the same perverse delight as the board does in sticking it to injured workers?

**Hon. Mr. Sorbara:** I just want to reiterate to my friend the member for Nickel Belt that when he suggests that a regional office in Sudbury overturned a decision of WCAT, he is not setting the facts of the case squarely before this House. That is not the case; there is no authority in the act to do that. The only circumstances under which a decision of the Workers' Compensation Appeal Tribunal can be reviewed or reconsidered or sent back is through the exercise of the authority of the corporate board, operating under section 86n.

I am very familiar with the terms of the bill the member's leader presented to this House. I want to tell my friend the member for Nickel Belt simply that this is an issue. But when the leader of the opposition party at one time says to this House we must have full and thorough hearings on a bill reforming part of the Workers' Compensation Act, and then on another day, with another breath, says we should pass a bill in one day without any hearings or any consideration, I simply tell him he cannot have it both ways.

**Mr. Laughren:** Go ahead; keep sticking it to the workers.

**Mr. Speaker:** Order.

**Mr. Laughren:** Keep sticking it to the most vulnerable people out there, the injured workers.

**Mr. Speaker:** Order. The member for Nickel Belt has asked his question.

#### SKILLS TRAINING

**Mrs. Cunningham:** My question is for the Minister of Skills Development. Can he tell the House how many people have participated



during the fiscal year in training or retraining programs administered by his ministry?

**Hon. Mr. Curling:** Thousands and thousands and thousands of people participated in my programs. The Futures program, a highly successful program, had about 37,000 people pass through it. The Transitions program, again, had an active role of participants there. There are also Ontario Basic Skills and the literacy program. I could say there are thousands of people who participated in the programs administered by the Ministry of Skills Development.

**Mrs. Cunningham:** We are trying to be more specific in this party as we try to respond to the public with these kinds of questions.

We are looking at a budget of some \$232 million that will be spent on skills retraining programs by this government this year. We are looking at 45,000 apprenticeship spots, some 1,700 in Transitions and another 4,000 in Trades Updating—we have excluded the literacy programs from that number—for over 50,000 training spots.

If we take a look at those numbers and consider that, really, these are administrative costs, we are spending some \$4,000 per training spot in Ontario for skills retraining within this province. My question to the minister is this: With a budget of \$232 million and an administrative cost of some \$4,000 per person, which we think is exorbitantly high, why is he not providing for more training places, apprenticeship programs to be specific, within his existing budget?

**Hon. Mr. Curling:** The honourable member identifies the problem we have in Ontario, that there is a need for more trained people—more journeymen, more apprentices. We do not expect, if the honourable member expects, that the government alone will address all those problems. That is not the approach we take in this government.

This government and this minister use those funds in order to access and to facilitate the private sector to participate in training. We use our funds also in the literacy program for the community literacy groups, and through the private sector to assist us in combating the high rate of functional illiteracy that we have in the adult population here.

I, for one, would not stand up to say that the money we have would solve the entire problem of training all the trained people we need in this province. Neither would I feel that the amount of money spent on literacy would arrest the high rate of functional illiteracy. But I am confident that with the co-operation of the labour unions,

the private sector and the members of the opposition, we can see our province move forward with a trained workforce and a literate society.

## REGULATORY PROCESS

**Mr. Fleet:** My question is for the Chairman of the Management Board of Cabinet. The minister is responsible for the administration of one of this government's hallmarks of reform in open government, namely the Freedom of Information and Protection of Privacy Act.

That act is very similar in philosophy to views outlined in the regulatory reform report. As he is aware, the report urges a reform of Ontario's regulatory system, with 44 recommendations based on three fundamental principles: improved public accessibility to regulations, fair public participation in making regulations and more effective legislative scrutiny. Does the minister perceive any conflict between the principles of the regulatory reform report and the principles of the Freedom of Information and Protection of Privacy Act?

**Hon. Mr. Elston:** I thank the honourable member for the question. Without presuming to have enough time to do a thorough analysis of both the report and the Freedom of Information and Protection of Privacy Act, let me just say off the top that I do not perceive a conflict between the principles of the two reports.

Our government has stood quite clearly for increased accessibility to the process of government, which means increased accessibility to information, and as a result, increased awareness of how the process of government takes place, how decision-making takes place. It really invites those people to be participants in that process.

As I understand the report and the thrust of the report from the committee, it really encompasses the expansion or at least the logical extension of the access to the use of that information in making a valuable contribution to regulatory reform and to the regulation process itself. So from my point of view, I cannot see at this stage a conflict between the principles of an act that we have used as one of the paramount pieces of legislation in our first term of office.

**Mr. Fleet:** I think the minister has accurately described one of the intentions of the report, and in fact, the regulatory reform report goes further because it provides a detailed review of the existing regulatory system, its efficiencies, alternative practices that work well in other

jurisdictions and even a cost analysis of most of the recommendations.

In keeping in mind the detail the act goes into—time does not permit us to cover all of it on this occasion—are there any provisions in the Freedom of Information and Protection of Privacy Act that would expressly prevent the application of the regulatory reform report recommendations?

**Hon. Mr. Elston:** Again, I thank the honourable gentleman for the question. It is my view here that I cannot think of anything offhand that would prevent that package of reforms from being considered as complementary in many ways to the Freedom of Information and Protection of Privacy Act. The involvement of the public, it seems to me, is of paramount importance at all stages, and since both the legislation and the suggested reform have that at the base of their proposals, I think they seem complementary.

I would like to say that in the course of discussions in consideration of the report by government, obviously my view will be to analyse line by line the very question the member raises, but again, my thought is that there is a complementarity between the two.

1440

#### FISHING LICENCE REVENUES

**Mr. Wildman:** I have a question of the Minister of Natural Resources. I have before me a copy of the first annual report of the Ontario Fisheries Advisory Council, which was established by the Minister of Natural Resources to provide advice on the expenditure of the revenue from the sale of the new sports fishing licence.

Does the minister agree with the statement on page 1 of that report, "Public support for the fishing licence"—that is, the resident sports fishing licence, effective January 1987—"was given on the basis of statements made by the Minister of Natural Resources that the revenue raised from the sale of the licence would be used solely to expand the provincial fisheries program"?

If he agrees with that statement, can the minister confirm that he has indeed fulfilled that commitment?

**Hon. Mr. Kerrio:** Certainly, the commitment was made. I think it is generally accepted that there were opportunities to be had in Ontario if we put in a fishing licence, which I would rather describe as a user fee. We had a feeling we could do much more to provide opportunities that were being stressed more and more. Because of the

opportunities people had, because of more time off, because of more equipment and because of the ability to get out and enjoy that wonderful recreational activity, there was a great need for a user fee, and we should put all of that money into what we could do for the resource.

In the person of Dr. Ed Crossman as chairman, we have one of the fine gentlemen in the province who headed up a committee that would be able to take people from right across the province and report to me how the money should be spent, so they could not say we were doing it in a way that was not acceptable to the people who were purchasing the licences. I feel we have met all those obligations and indeed have gone beyond that, because of the effort that was put forward by the people in the community fisheries involvement program in the cleaning up of our habitat and doing all the good things that have improved the recreational opportunities.

**Mr. Speaker:** Thank you.

**Hon. Mr. Kerrio:** I am pleased to say the opportunities are increasing more and more all the time.

**Mr. Wildman:** On page 2 of the report, it points out that the revenue was approximately \$9.3 million from the sale of the licences. "Of that, a total of approximately \$3 million was allotted to the hiring of staff," particularly 19 conservation officers who not only are responsible for enforcing fishing regulations, but also are responsible for enforcing hunting regulations, parks regulations," etc.

On page 4 of the report, the council states: "The council was concerned that enforcement expenditures should be evaluated and that regulatory changes and/or changes in enforcement priorities are warranted. The council was also concerned that the fisheries program should not shoulder all of the associated costs of enforcement since benefits are also to be realized in other program areas, such as wildlife and parks."

That is the same position as the one I took, and indeed the member for Cochrane South (Mr. Pope) took in June 1987.

**Mr. Speaker:** Do you have a question for the minister?

**Mr. Wildman:** Is the minister prepared at this time to make a commitment that he will not shift money that is collected from the fisheries licence to the hiring of staff who are responsible for not only fishing regulations but also other regulations in other parts of the ministry program?



**Hon. Mr. Kerrio:** This bit of discussion went on for quite a while while we were putting this whole process into place. The honourable member was one of those who made the grave mistake of suggesting this would not be acceptable to the people across this province. That was not the case. He was absolutely wrong. I was right and the people have accepted it.

Now what I would like to tell the member is this: He gets so ridiculous in some of the comments he makes that if a conservation officer were going down through an area and he was supposed to be enforcing just the fishing regulations and he caught someone else doing something that was breaking another regulation, he is supposed to go back to headquarters and send a different officer out there. He has got the wrong tack and he does even know what he is talking about.

**Mr. Speaker:** Thank you.

**Mr. Wildman:** You should apologize to the House.

**Mr. Speaker:** Order. New question.

**Mr. Wildman:** You are ripping off the fishermen.

**Mr. Speaker:** The member for Algoma has asked the question and also has asked a supplementary.

**Mr. Pouliot:** He has been provoked, Mr. Speaker.

**Mr. Speaker:** And the member for Lake Nipigon? New question, the member for Stormont, Dundas and Glengarry.

#### BEEF MARKETING

**Mr. Villeneuve:** My question is to the Minister of Agriculture and Food. Does the minister favour the establishment of a marketing board for Ontario beef if the majority of producers vote for one in accordance with recommendation 55 of the Beef Marketing Task Force?

**Hon. Mr. Riddell:** As the honourable member knows, we have had a beef task force look into the entire meat industry, right from the producers through to the processing plants. They made a number of recommendations. One was that a beef agency be established and another was that there be a vote on whether the beef producers wanted a change in the present marketing system.

I put together a vote committee made up of members from the Ontario Cattlemen's Association, the Beef Producers for Change and members from my ministry. They have been working

on a vote that will be going out to the beef producers of this province, we hope fairly soon. I want to make sure the producers know exactly what it is they are voting for and the ballots will be accompanied by an educational package outlining in detail exactly what this vote means.

**Mr. Villeneuve:** The minister appears to be prepared to put a vote to the beef producers of this province. I do not know whether the minister is quite sure yet what he is talking about. Is he talking about a marketing board? Is he talking about closing down the provincial boundaries? Just what sort of a plan is he talking about when he mentions putting forth a vote to our producers?

**Hon. Mr. Riddell:** That question is premature at this time because the vote committee has not yet got back to me with the kind of vote they want the producers to vote on. If the member wants to ask me the question after the vote committee has put together the vote, I will be more than pleased to answer it.

#### COLLEGES OF APPLIED ARTS AND TECHNOLOGY

**Mr. Adams:** My question is for the Minister of Colleges and Universities. Tomorrow, I will be presenting a resolution before this House calling for an overall strategy for growth in the province. In preparing that proposal, I learned her ministry is presently conducting a review of the province's community colleges called Vision 2000. What is the status of the Vision 2000 project?

**Hon. Mrs. McLeod:** I very much appreciate the honourable member's interest in the college review. The review, as I think members of the House may be aware, is being carried out by the Council of Regents. I believe that since the time of the announcement, they have moved very expeditiously on what is really a very complex project.

We have a steering committee established that is made up of leaders in the educational field as well as leaders from the community at large. They have already been meeting. A number of study committees have been struck and their chairmen have been selected. It will be the task of those study committees now to deal with a number of the key questions in the review. I think they are important questions and they deal with such issues as the relationship of the colleges with the private sector and the workplace, the flexibility between colleges and universities, as well as the question of program concentration.

**Mr. Adams:** I thank the minister for that response. By way of supplementary, I might say that the people at Sir Sandford Fleming College, my local college, are very interested in this review, indeed as are many other people in Peterborough. What plans does the ministry have for involving such people in the review?

**Hon. Mrs. McLeod:** I suggested in my first response that this was a complex project. It is complex in the very nature and scope of the questions the review is to address. It is also complex because there has been a very strong commitment on the part of the Council of Regents to carry out this review with as much input from the college community and the community at large as possible.

The plans are to have the study committees visit all 22 colleges. I know they will want to hear the views not only of people within the college community but also within the communities at large. I know as well they will want to hear the views of anyone who wishes to come forward and discuss specific issues with the study committees.

I must say too that I have been tremendously impressed with the interest that has been shown in the review and with the number of people who have come forward spontaneously and asked to be involved in the project. I believe that that kind of interest is a real measure of support for the college system in Ontario.

1450

#### POLICE SHOOTING

**Mr. Kormos:** My question is to the Solicitor General. Lester Donaldson was shot to death by a Metro Toronto police officer August 9 of last year. The Ontario Provincial Police indicated at that time that their investigation would take six weeks. They indicated that its findings would be given to a senior crown attorney and that this senior crown attorney would determine whether or not charges would be laid. The Attorney General's office says it has reviewed the findings and has made recommendations and the Ontario Provincial Police say they are now considering the matter. Who is making the decision as to whether or not charges are going to be laid and when is the decision going to be made?

**Hon. Mrs. Smith:** I would remind the member that there is a certain process. First, a crime is investigated by the police, as it should be in any case of this nature. In this case the OPP was called in by the Metro police to do that investigation. The investigation is then taken to the crown attorney to advise the police—not to lay

the charges—as to whether the evidence that has been collected would substantiate a court case of a certain nature.

Having taken under consideration all the evidence gathered by the police, the crown attorney then makes such advice available to the police. In many cases this is quite a complicated report, which is then turned back to the police, who look at both their own investigation and the remarks of the crown attorney and decide precisely whether and what charges should be laid.

**Mr. Kormos:** It is remarkable that one is hard pressed to think of any other situation wherein there is a homicide and it takes so long to make this decision. A six-week investigation has turned into a five-month investigation. It is not fair to the Donaldson family. It is not fair to the community. It is not fair to the police officers who were involved in the incident. Surely the Solicitor General has monitored this carefully. Why has there been no decision before now? Where is the foulup? Who is minding the store?

**Hon. Mrs. Smith:** It would be most improper for me to rush the police. I have kept in touch with them and know that they have worked diligently on this and that indeed it was a complicated case that required the certain length of time. However, I am assured that the results will be available very shortly.

#### FORENSIC AUTOPSIES

**Mr. Runciman:** I will try to do this in one question; it is to the Solicitor General. She knows I raised some concerns about forensic autopsies in Ottawa. The Toronto Sun this week had an article on the mysterious death of a Toronto disc jockey, Nick Charles, and had mentioned a two-month queue for tests at the forensic lab.

I have a situation in Sarnia where Morag Davies, a 45-year-old woman, was brutally murdered in August of last year. Five months later they are still waiting for results from the lab in Toronto. Does the minister have any idea how significant this problem is? Does she have any idea how many murder investigations are being placed in jeopardy because of this situation?

**Hon. Mrs. Smith:** The answer to this is that the forensic work is done in such a way as not to create any jeopardy. In fact, the member inquired a very short time ago about a particular case which ordinarily would have taken six weeks and was put forward very quickly to three weeks because of the importance. The three-week case at that time was because of the nature of the testing. The police were constantly kept in-



formed as to what the results were. When the final results were available, they were given to them immediately.

As in cases of health, it is up to the professionals to make the necessary tests as they see fit and to prioritize in a way that ensures that the police get the material they need when they need it.

#### NOTICE OF DISSATISFACTION

**Mr. Laughren:** I rise under clause 30(a) of the standing orders. To no one's surprise, I assume, I am not satisfied with the answer given to my question by the incredible Minister of Labour (Mr. Sorbara) and I would like to pursue it further at 6 p.m.

**Mr. Speaker:** The member has given notice, and I am certain that he will follow up in a written form.

#### FISHING LICENCE REVENUES

**Mr. Wildman:** On a point of privilege, Mr. Speaker: You will recall that on June 16, 1987, as a result of exchanges between the member for Cochrane South (Mr. Pope) and the Minister of Natural Resources (Mr. Kerrio), and myself and the Minister of Natural Resources, both the member for Cochrane South and I were expelled from this assembly.

The reason that happened was that the minister in his comments made some assertions which neither the member for Cochrane South nor I could accept as factual, and we made that statement in the House. The minister indicated that he did not make a commitment to the anglers of this province, at the time the fishing licence was established, that the revenue from the sale of those licences would be used solely for improvements to habitat and fish stocking in this province to enhance fishing in Ontario.

Subsequent to the establishment of that licence, the minister established, as he indicated today in the House, the Ontario Fisheries Advisory Council under the chairmanship of Dr. Ed Crossman, a distinguished scientist in this province, to advise him on the expenditure of the funds raised from the fishing licence.

In the first annual report, which I referred to a moment ago, Dr. Crossman and the council indicated that the minister had used a significant portion of the funds for the hiring of staff; staff which are needed by the ministry but which are not only related to the fishing program in this province. On page 4 of that report the council said it was concerned that the fisheries program should not shoulder all of the associated costs of

enforcement since the benefits were also to be realized in other program areas, such as wildlife or parks.

That comment confirms the assertions made on June 16, 1987, by the member for Cochrane South and myself and contradicts the position taken by the minister in the House on that day and today. As a result of that, I suggest we should have an apology from the minister to this House and to the anglers, and the minister should correct the statements which were not correct and were not truthful at the time, today or last June.

**Mr. Speaker:** Order. With respect to the member and to the rules of this House, the honourable member rose on a point of privilege. I was waiting for the member to present to me what privilege had been breached.

Interjections.

**Mr. Speaker:** Order. I do not see any point of privilege. I will just leave it there.

#### PETITION

##### NATUROPATHY

**Mr. Faubert:** I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas it is our constitutional right to have available and to choose the health care system of our preference;

"And whereas naturopathy has had self-governing status in Ontario for more than 42 years;

"We petition the Ontario Legislature to call on the government to introduce legislation that would guarantee naturopaths the right to practise their art and science to the fullest without prejudice or harassment."

This petition is signed by some 54 residents of Ontario. I have appended my signature as I am required to do by the standing orders and for no other reason.

1500

#### REPORT BY COMMITTEE

##### STANDING COMMITTEE ON THE OMBUDSMAN

Miss Nicholas from the standing committee on the Ombudsman reported the following resolution:

That supply in the following amount and to defray the expenses of the Office of the Ombudsman be granted to Her Majesty for the fiscal year ending March 31, 1989:

Office of the Ombudsman program,  
\$7,122,700.

#### FISHING LICENCE REVENUES

**Mr. Pope:** On a point of order, Mr. Speaker: What is the recourse of myself and the member for Algoma (Mr. Wildman) when we were expelled from this Legislative Assembly in 1987 for asserting the truth and the minister sits today and laughs at the fact that he did not tell the truth in June 1987?

Interjections.

**Mr. Speaker:** Order. I wish all members would control their thoughts and words.

I am sure the member for Cochrane South is aware of the standing orders. If a member is asked to remove himself or herself from this House, that member must leave the House for the balance of the sitting day. On the odd occasion that member will apologize and on many occasions that member will not.

Interjections.

**Mr. Speaker:** Order.

#### MOTIONS

#### ESTIMATES

Hon. Mr. Conway moved that in the committee of supply the estimates of the Ministry of Housing be considered following the estimates of the Management Board of Cabinet and that, notwithstanding any previous order of the House, the estimates of the Office of the Premier and Cabinet Office be considered on Tuesday, January 24, 1989.

Motion agreed to.

#### PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Mr. Conway moved that Mr. MacDonald and Mr. Mahoney exchange places in the order of precedence for private members' public business and that, notwithstanding standing order 71(h), the requirement for notice be waived with respect to ballot item 57.

Motion agreed to.

#### INTRODUCTION OF BILLS

#### WINDSOR LIGHT OPERA ASSOCIATION ACT

Mr. D. S. Cooke moved first reading of Bill Pr81, An Act respecting the Windsor Light Opera Association.

Motion agreed to.

#### ASSOCIATION OF TRANSLATORS AND INTERPRETERS OF ONTARIO ACT

#### LOI SUR L'ASSOCIATION DES TRADUCTEURS ET INTERPRÈTES DE L'ONTARIO

Mr. Poirier moved first reading of Bill Pr36, An Act respecting the Association of Translators and Interpreters of Ontario.

L'hon. M. Poirier propose la première lecture du projet de loi Pr36, Loi sur l'Association des traducteurs et interprètes de l'Ontario.

**Mr. Poirier:** I have the honour of presenting for the first time in the history of Ontario a private member's bill in both languages.

Motion agreed to.

La motion est adoptée.

#### ORDERS OF THE DAY

#### EDUCATION AMENDMENT ACT

Hon. Mr. Ward moved second reading of Bill 70, An Act to amend the Education Act.

**Hon. Mr. Ward:** On December 15, 1987, Bill 70, An Act to amend the Education Act, received first reading. I am now pleased to introduce this bill for second reading.

Bill 70 is a response to a court ruling that continuing education teachers are teachers as defined under the School Boards and Teachers Collective Negotiations Act, commonly known as Bill 100, and the Education Act, and are therefore to be employed by school boards on a form of contract, as prescribed by Ontario regulation 277.

It has been general practice for school boards not to employ continuing education teachers, such as teachers of night school or summer school, on the two standard forms of teachers' contracts—form 1, the permanent teacher's contract, and form 2, the probationary teacher's contract—as the contracts were neither intended nor designed to accommodate the organizational structure of subjects and programs being taught outside the regular schoolday and at times other than during the traditional school year.

Bill 70 will add a new form, form 3, that being the continuing education teacher's contract, to the list of teachers' contracts that can be prescribed by regulation. Only a continuing education teacher, as defined in the Education Act, will be employed by a school board for his or her continuing education teaching duties on a form 3. A teacher will continue to be employed as a permanent or probationary teacher for those teaching duties that are not related to the



teacher's employment in continuing education. In this regard, I will move in committee that section 4 of the bill be withdrawn and that a new section be substituted that will state this fact more clearly.

Bill 70 provides definitions of a continuing education teacher and a continuing education instructor. A continuing education teacher will be a person employed to teach a continuing education course or class established in accordance with the regulations for which a valid certificate of qualification or letter of standing as a teacher is required by the regulations. An instructor will be a person employed to teach a continuing education course or class established in accordance with the regulation, other than those courses or classes for which a valid certificate of qualification or letter of standing as a teacher is required by the regulations.

The power to make regulations defining continuing education courses and classes and prescribing those continuing education classes and courses, as defined, that must be taught by a qualified teacher will be added to the Education Act.

I will also move in committee amendments to section 5 of the bill to accommodate the concept of an integrated contract whereby, upon agreement of a teacher and a board, a full-time or part-time teacher employed by a board, both as a probationary or permanent teacher and as a continuing education teacher, may be employed in both capacities on his or her probationary or permanent teacher's contract.

As well, where a teacher and a board agree, a teacher employed by a board as a probationary or permanent teacher, with duties only as a continuing education teacher, may be employed with respect to those duties on his or her probationary or permanent teacher's contract.

I want to state in closing that much time has passed since this bill was introduced. I have appreciated the input of those with a very specific interest in this particular issue, representatives of the teachers' federations and the boards, and also the input of my critics. Before sitting down, though, I would want to point out at this time, as I have advised my opposition critic—I have been unable to reach the third party critic—that for a short period this afternoon, approximately 20 minutes, I will have to vacate the chamber. Therefore, I would ask at this time, under the standing orders, for unanimous consent for my parliamentary assistant to be given permission to take his seat in the front benches so that we do not

disrupt the discussion at the time during debate. Thank you.

**1510**

**The Acting Speaker (Mr. M. C. Ray):** Do we have consent that the parliamentary assistant will respond for the minister in his absence?

Agreed to.

**The Acting Speaker:** Are there any comments or questions with respect to the opening statement by the minister? The member for Simcoe West, on a comment or question?

**Mr. McCague:** Both. I understand they have asked for permission for the parliamentary assistant to carry the debate, is that right? I just would have thought that the minister might have done the courtesy of letting him make the statement too, so he could defend it.

**The Acting Speaker:** Is that it? The minister indicated that in his absence, the parliamentary assistant would respond. Are there any other comments or questions? The next speaker, the member for Scarborough West.

**Miss Martel:** Go get him.

**Mr. R. F. Johnston:** No, this is not one I am attacking him on, so it is tough to be vicious at this point, as is my nature since the loss of my moustache; yes, I know.

**Mr. Reycraft:** Keep your shots down low.

**Mr. R. F. Johnston:** And I keep my shots low, yes. Enough of this jocular repartee and to the bill itself.

This is a problematic bill which we will be supporting but which is reflecting, I think, a number of concerns in the education community around the role of continuing education and the importance it is given in the education system, the status that it has or does not have within the education system at the moment.

The court case that was taken, as members will probably remember, was one in which the point was made that you could not distinguish between teachers and instructors under the presently existing legislation and that therefore, if that ruling had just stayed without some legislation being brought in, all the people who were instructing, whether it was English-as-a-second-language courses or adult basic learning courses or whether it was people who were teaching night courses, even, perhaps on various kinds of hobbies that people might have, would all have to be considered to be teachers and therefore have large increases in their pay.

This, of course, was of great concern to the ministry, as well as to the boards of Ontario,



which do not get as much money from the ministry to run their continuing-ed programs, and certainly not for the recreational programs, as they do for their regular courses. As a result, some action had to be taken.

What has happened is that Bill 70 has evolved, and it is a good thing that the legislation did not proceed at the time it was first introduced, because there have been some considerable changes and negotiation which have taken place and the amendments which are forthcoming from the ministry are welcome amendments which will assist in the clarification of some of the matters to do with permanent employees and part-time employees and their rights within this overall mix that is out there.

We presently have the situation where in one school you can have a person who is teaching adults during the day in a school and is receiving a salary as a board-employed teacher at the same level as the teacher who is teaching the regular grade 9 class next to him. That evening, somebody can come in and teach another group of adults the same course with the same content and be receiving much less money for doing so and is considered to be just an instructor.

We have that situation taking place in at least several schools in the metropolitan area of Toronto that I know of. I spent some time last spring talking with people in North York who are in this kind of situation and really felt that they were being discriminated against according to the whims of the board and with no protection under the act.

I am not clear that this act necessarily gives them a great deal more protection. The area of power that is crucial in this whole piece of legislation is in the area of regulation. The teachers' federations which, in discussions over this past year, have moved the ministry slightly in terms of recognizing some of their concerns, are now of the opinion that as far as the legislative content goes, what we have here is now acceptable. Their big concern is what the regulation allows or does not permit, and their big push in the future will be to try to get the minister to change the regulation.

If I were in a more perverse state of mind than I am at the moment and less in the continuing sort of hangover of the holiday spirit which I have been showing so much in this House, I would probably want to get this out to committee so we might spend more time talking about what is wrong with the regulations. Maybe we could drag things out a little bit so that the ministry might give us a promise in that committee during

public hearings to change those regulations in a more permissive fashion.

At this stage, we will say that progress has been made. We do not entirely have the framework we want and neither do the teachers' federations involved, and certainly, neither do those people in the boards, nor most especially those people who are now instructors and will continue to be instructors by this legislation, even though they may be teaching the same kind of courses that another person is teaching a few hours earlier on a given day.

As long as we have this second-class status for continuing education, as long as we say that the Education Act's primary responsibility is to educate people up to the age of 16 and that we really are not that interested in people who are returning to the education system in terms of an obligation of the education system to be able to assist them, and we are not willing to recognize that the costs of providing these kinds of courses can be as substantial and as important as are the courses for the regular day student who happens to be a minor, we will not deal with this problem appropriately.

I know the select committee on education will be looking at this kind of issue in the months and in years to come. We have already taken some steps in that direction, suggesting that the definition of what is the responsibility of the education system needs to be looked at in terms of when children enter and the responsibility at that end, as well as how people re-enter the education system.

As we see these things in evolution, one hopes—and not just in some sort of flux—we can look at this piece of legislation with some hope; that, in fact, we are moving in the right direction.

I do not want to prolong the debate. I never like to prolong the debate when I am in agreement, only when I am obstreperous, which is most of the time, and so for this change of pace today, on a whole series of bills that are being brought forward which I will be so complimentary about and so accommodating in general, I will try to keep my speeches as short as I can.

I look forward to moving to committee of the whole House to deal with the amendments today, getting those out of the way, and having this legislation passed with all due haste.

**The Acting Speaker:** Any comments or questions on the address by the member for Scarborough West? There are none. The next speaker, the member for London North.

**Mrs. Cunningham:** Bill 70 is a bill which has been long awaited, and while we support in



principle this bill, which in our opinion adequately deals with the contracts of teachers of continuing education, I must support the comments from the member for Scarborough West.

I would further like to draw to the attention of the Liberal government the concerns from the federations and school boards with regard to the mismanagement of this government in finally bringing forth this piece of legislation. Bill 70 addresses a very important issue with respect to continuing education. We all know how important it is for our citizens to have both quality education and accessibility to continuing education programs.

Without Bill 70, which we need in order to encourage teachers to accept summer and night school positions, of course, we would have the continuing arguments and problems of the past.

**1520**

We know that one of those challenges that we are facing today is the shortage of teachers in this province and I would like to take this opportunity to remind the minister that this is a very serious problem. We are looking at a shortage of some hundreds of teachers a year in our regular day schools.

I would also like to take the opportunity to underline the real, serious concern we have with regard to technical education. We were looking at some 180 teachers of technical education in training in the teachers' colleges across this province in 1980. We are down to some 120 teachers of technical education training in the teachers' colleges now, and that is a real concern.

Although we are talking now about continuing education, which of course could be done in the technical areas in the evenings, the minister should know that we are very much concerned about this shortage of teachers, and we hope the minister is looking at this problem and dealing with it as quickly as possible. No short-term solution will help us at all.

Bill 70, of course, is progressive in that it does provide for a third form contract to deal with a problem that has been with us for a long time, and our party supports the bill.

The educators of this province whom we have talked to in the past few weeks and days advise us that they are agreeable to this legislation. They also advise us of the tremendous history behind this bill; that is, in their words, the Liberals have mismanaged this whole issue, costing all of us valuable time.

First, apparently, they introduced a badly worded bill, and when it was finally amended to satisfy the people it will affect—I am now talking

about the teachers—the Liberals introduced two new but disturbing amendments. The original amendments were corrected again, but new and unnecessary problems were further introduced.

Today, we finally do have, after a very long period of time and very tough negotiations, an acceptable bill. Although we underline the example of this government's mismanagement of an issue that should have been carefully thought through and presented in a format that was acceptable in the beginning, we are prepared today to support Bill 70, this amendment to the Education Act.

**The Acting Speaker:** Are there any comments or questions arising out of the speech of the member for London North? Are there any other participants in the debate? No other participants? I shall put the question.

Motion agreed to.

Bill ordered for committee of the whole House.

#### EDUCATION AMENDMENT ACT

Mr. Beer moved, on behalf of Hon. Mr. Ward, second reading of Bill 69, An Act to amend the Education Act.

**Mr. Beer:** From time to time, the Ministry of Education finds it necessary to clean up some housekeeping items and to address a variety of issues that have been brought to the ministry's attention by our partners in the educational system. Bill 69, which we have before us for second reading today, consists of many disparate items. Nevertheless, I will attempt to provide members with a more cohesive overview of the contents of the omnibus bill.

There are essentially six parts to this bill, and I would like to give a brief description of each one. The first part of Bill 69 deals specifically with the Metropolitan Toronto School Board. Under this bill, the board will be able to offer continuing education programs for graduates of its programs for exceptional students, a power other boards already have. In addition, the Metro Toronto board will be permitted to increase the maximum included in its estimates for current expenditures for permanent improvements. This will allow the board far greater ability to provide for capital improvements in its jurisdiction.

A second part of Bill 69 involves school finance. The primary feature here is the establishment of authority with respect to certain of the provisions in the general legislative grants regulation. This is necessary in order that the registrar of regulations may seal the regulation.



A third section deals with attendance at school without payment of maximum fees. Under this legislation, certain classes of students will now be able to attend school without being required to pay maximum fees. These are children of North Atlantic Treaty Organization personnel in Ontario under the Visiting Forces Act, children of foreign university students who are themselves on student visas, children of visiting lecturers at Ontario universities and—this will be clarified by amendment—children of convention refugees under the terms of the Immigration Act. In addition, the ministry would be permitted to pay fees for pupils who attend appropriate programs in neighbouring provinces because the distance to an Ontario school is too far or there is no road connection to an Ontario school that is entirely within Ontario.

I would also like to outline some of the positive effects this bill will have on school boards. First, as requested by our trustee associations, the proposed legislation will give boards powers similar to those of municipal councils regarding insured benefits for their members, spouses and children. Bill 69 will also enable boards to determine their own allowances, as opposed to the allowance of the next board, and additional allowances payable to its members.

Another provision of this bill will allow boards to enter into agreements with community groups for the provision of adult education. In addition, the bill would allow two or more boards, each having enrolments of fewer than 2,000 pupils, to share a director of education.

I would like to highlight one other provision which I believe to be particularly significant. Under Bill 69, regulation-making power will be expanded to allow the Minister of Education to require that all boards establish and maintain a policy of affirmative action in employing and promoting women. I would like to assure this House that I will indeed pursue this provision with haste and determination.

Many boards have, in fact, already established affirmative action policies, but in my travels across this province I have not been satisfied that the practice is universal or universally satisfactory. This is an area which I do intend to pursue further in the months to come. The ability to require affirmative action policies in all boards is an important step.

A fifth section of the bill concerns instances of the transfer of a French-language secondary school from a board of education to a Roman Catholic school board. The bill will, in cases of en bloc transfers, also allow for the dissolution of

the French-language section of an exporting board when it has ceased to operate a French-language instructional unit. As well, this bill will enable boards to adopt French or bilingual names, a change which I believe to be important and overdue.

The final part of Bill 69 will allow school boards to transport exceptional pupils to certain government-funded programs in addition to those for which such transportation is already provided.

In summing up, I would also mention that I intend to introduce amendments in the committee of the whole House. These amendments are purely for the purpose of clarification or house-keeping in the light of other legislative amendments to the Education Act that have overtaken this bill.

While Bill 69 appears to be a hodgepodge of items, I want to stress that each of its sections is important to groups within the educational community. I believe this bill will do much to enhance the quality of education we are providing.

**1530**

**The Acting Speaker:** Are there any comments or questions? Other participants in the debate? The member for Scarborough West.

**Mr. R. F. Johnston:** Thank you, Mr. Speaker, and welcome to the parliamentary assistant, who divulged his innermost thoughts with conviction to us on this matter. It was appropriate behaviour, I thought. The member for Norfolk (Mr. Miller) agrees with me.

These omnibus bills are a regular feature of updating the Education Act. Just to give an idea of how far behind we are at the moment, I have been getting a lot of correspondence lately from boards and teachers' federations and others about their problems with the white paper that has been out for the proposed omnibus bill for 1988, which will be introduced at some point or other. We are actually dealing with things that have been around for many, many months at this point.

Unlike Bill 70 which one would have hoped would have been better drafted from the beginning, it is expected that from time to time there will be additional amendments in this kind of omnibus package and we have a number of them being offered this afternoon. They all make some sense in cleaning up these matters.

It is always a mystery to me how the particular content of a specific omnibus bill comes to be, and why certain matters are brought in and certain others left out but find their way in in the



subsequent year or two years later or whenever. It is just one of those very strange processes I am not sure anybody truly understands.

There are some things in this particular act that are important to be brought in. Some of them would seem to be small matters that have little significance to people here in Metropolitan Toronto, but if you were living in northwestern Ontario and the closest school facility was actually in Manitoba, and you would have to go hundreds of kilometres in Ontario to get to a similar facility, then the provision here to allow you to be able to go across the border to get your education is a useful thing that has been put in.

If I look at some of the larger matters, even though they are dealt with in a very short space in the bill, I would look at the matter of affirmative action plans for the various boards around the province. It is something that is long overdue and many boards have already moved on their own initiative, but it is something that should be in the overall legislation. That is a very welcome thing to see. In all my conversations with boards across the province, I have heard no complaint on this particular provision coming forward at this time.

There are as well some changes in updating as a result of Bill 30's amendments to the Education Act around the extension of funding to Catholic schools, which are also useful guidelines that can now be used by boards when they are transferring various kinds of functions to the other system. That is a useful thing as well.

As with so many of these matters, we are not going to be opposing this bill. It is one which we would give straightforward assent to. There is one amendment I would like to bring forward, however, and I would like to advise the parliamentary assistant of it at this time.

In the act, as he has framed it, he has brought forward an amendment to a section that deals with the various kinds of services and programs that can be made available to employees. I am thinking explicitly here of the comments in the bill regarding clause 155(1)(a) of the Education Act to deal with the provisions for insurance for employees. What we have added this time, which is a good thing, is the recognition that these programs should be available to the families of the employees.

This is a good thing and I will be supporting it, but I believe there has been an oversight here that really needs to be looked at, and that is that no mention is made of retirees receiving the same kind of access to the same kind of service. Some boards do this of their own volition regarding specific negotiated settlements they have with

their employees, so their retirees are included, but it is not a standard provision.

Many municipalities interpret their much broader power under the Municipal Act to do so. That is under section 249 of the Municipal Act, which is referred to in the compendium for this bill. It says, "The council of every municipality may pass bylaws for providing for any or all of the members of council any benefits that may be provided for the employees of a municipality under paragraphs 48 and 49."

Those powers allow them, if they choose, to extend these provisions to the retirees as well. I will be moving an amendment to section 20 of Bill 69 that it be further amended to add retired employees, as well as family members, in terms of gaining the benefits at this stage. This may not be acceptable to the ministry at this time. If that is the case, then the lobbying of the Canadian Union of Public Employees and other groups, which I know have been pushing for this sort of thing, has not been effective.

Then I would want to have today a commitment from the minister or the parliamentary assistant that in the next omnibus bill, that oversight will be dealt with and retirees will finally gain some of the benefits we get automatically, for instance, if we retire from this place. It should be available to people on the various boards of education as well.

That would be the only amendment I would move, on the basis that I think it needs to be included. It is a subsection that is being amended and it is therefore appropriate to bring forward that amendment at this time. I just give notice of that. Other than that, we support the bill and look forward to next year's, which seems to be much more controversial if I read correctly my letters from the various groups around the province. We look forward to committee of the whole to deal with the amendments that are being proposed.

**Mrs. Cunningham:** It is my pleasure this afternoon to participate in this debate with regard to Bill 69 in the absence of our Education critic, the member for Burlington South (Mr. Jackson), who is at home with his wife who is expecting their second child. We will extend our congratulations to him, I am sure, and wish him the very best.

With regard to Bill 69, we would like to note that it would have been, I think, very much better for the educators in this province if we had seen a more appropriate and complete first draft of this piece of legislation. I am continually amazed at the amendments and changes that have to be made around language with the kind of support



systems this government has in place. I will just put that down for the record.

Bill 69, of course, is a very large piece of legislation dealing with a number of diverse technical issues. We have had an opportunity to review the bill and would like to take the opportunity to make some comments.

With regard to the sections of the bill that transfer the power to establish government funding directly to the minister from the regulations, where they have been dealt with traditionally, there are some concerns, of course, that have been expressed to all of us as we have looked at this piece of legislation; that is, that the minister can now tie general legislative grants to the school boards to the programs offered.

There has been concern expressed that the net result of this kind of power, for want of a better word, will be change by ministerial decree rather than as a result of consultation, which has been the practice in the past, with the many interest groups affected. We certainly hope that is not the intent of the minister in this particular amendment.

Section 3 of the bill allows children of North Atlantic Treaty Organization personnel in Ontario under the federal Visiting Forces Act, children of foreign students who are themselves on student visas and children of visiting lecturers at Ontario universities to attend school without the payment of a fee. The amendment has been revised more recently to also include the children of refugee claimants in this nonpayment category.

1540

Mr. Speaker, you are aware, I am sure, as are the other members of the House, with the previous business of this House today, of the York region schools being accused of barring children of refugees. I hope citizens would look into that matter and understand both sides of a very demanding situation.

These students require special classes. Many of them are involved in English-as-a-second-language classes and most boards across the province are most interested in providing the quality of education these children deserve. However, we do want to make note of a comment by the Toronto Board of Education trustee, Irene Atkinson, and this is the bottom line for local boards. She is talking about it costing \$10 million a year in extra teachers and support services for these special children.

Of course, Toronto and other boards across the province are having to prepare for these kinds of demands on their existing program and are also

having to prepare for the cost involved within their existing budgets. I would hope the minister would take into consideration the concerns of the school boards and perhaps take a look at the costs and see if he can help them in some way.

One of the things that has been happening in the last few days in this Legislative Assembly is that we have been witnessing bills that have direct costs to municipalities and school boards being put forward in this House. We know now that school boards have pretty well prepared their budgets and are in budget deliberations. If we are now passing an additional cost on to them, there ought to be some responsibility for the planning for these additional costs and they should not always be at the local taxpayers' expense.

There has also been concern expressed with regard to the amendments enabling a board to determine the allowances payable to its members. Some boards have suggested this particular clause is too restrictive. A less restrictive amendment would have been to allow a school board to provide remuneration to members of its standing committees as well as to the chairman and vice-chairman of the board. Perhaps that would be allowed with the legislation as it is written. It is a concern that will be brought to the attention of the minister, perhaps for some further direction from the minister on that point.

We feel also that we would like to remark on the act with regard to the school boards' responsibility to implement the affirmative action programs supported by the minister. He certainly made that a priority and I think most boards have entered into those kinds of programs. I hope the local autonomy would be respected in that regard as the programs across this province differ. I hope the minister will take into consideration the fact that the bottom line is to get more women in positions of responsibility across the boards. Most boards are supportive of that, although they have different ways of achieving that objective.

Giving the Metropolitan Toronto School Board permission to offer continuing-education programs for the graduates of its programs for exceptional pupils is an aspect of this legislation that we would commend. Previously, the rights of a trainable retarded person to attend such classes were limited to when he achieved the age of 21. We are very much in favour of that amendment. We think it is fair and the government should be commended on that piece of this legislation.

One aspect of this bill has two school boards sharing one director of education where appro-



priate. We are now taking a look at small northern boards that are very much concerned about administrative costs and are showing, I think, some progress and enlightenment as they share the administrative responsibilities. They should be commended if they were to take advantage of this piece of legislation.

In reality, we are looking at people who are working across this province who perhaps now will be more attracted to working for a joint commitment by two school boards in other parts of the province. We are finding administrative help, especially in Ontario's government offices, to be extremely expensive.

I hope all the amendments put forth, and certainly the amendment by the member for Burlington South, would be enacted as soon as possible. I thank the House for the opportunity to speak to Bill 69 and hope our concerns will be noted by the minister in its implementation.

**Mr. Beer:** I just want to briefly make reference to three points. First of all, I know the minister appreciates the support that has been stated by the two critics, in particular the support in the area of affirmative action, which is one that is important to all of us. I certainly recognize, as have both of the previous speakers, that many boards have been active in this area, but as I say, this is one that is important to all of us and we want to see considerable progress made.

Just briefly to the member for Scarborough West, we will certainly consider the amendment he wishes to bring forward and will be bringing forward in committee of the whole House. As he noted with various omnibus bills, given the discussion we have had on this issue, I think it is likely that is one we may prefer to deal with in the next omnibus round, but we would certainly appreciate his ideas and thoughts on that.

My final comment relates to the question raised by the member for London North (Mrs. Cunningham) concerning refugees and York region. I want simply to underline, as a member from that area, that I know the residents there certainly do not want to cause inordinate difficulties for refugees or for refugee claimants. Obviously, those people are experiencing difficult times. Working together with the board, we will be able to ensure all children in the region will be able to receive the education that is their due.

In some of these areas, there may be some confusion with respect to some of the federal legislation. We want to clear that up and make it very clear, as the minister did in his statement

earlier today, that those children will receive a proper education.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Motion agreed to.

Bill ordered for committee of the whole House.

**1550**

#### MUNICIPAL AND SCHOOL BOARD PAYMENTS ADJUSTMENT ACT

Mr. Beer moved, on behalf of Hon. Mr. Ward, second reading of Bill 186, An Act to provide for the Allocation of certain Payments or Grants in lieu of Taxes made by Canada to Municipalities in respect of Lands that are Exempt from Taxation.

**Mr. Beer:** I am pleased today to move second reading of Bill 186, the Municipal and School Board Payments Adjustment Act. This bill ensures that school boards which provide education to children from Canadian Forces bases are adequately compensated by the Department of National Defence to recover the cost of education of these pupils. At the present time, there are approximately 1,050 elementary and secondary students living on Canadian Forces bases who attend off-base schools. The DND has been paying nonresident tuition fees for these students and the federal government has been paying grants in lieu of taxes to the municipalities based on the mill rates, including the education mill rate.

In 1985-86, the federal government stated that it would no longer pay both tuition fees for the pupils attending off-base schools and grants in lieu of taxes. Therefore, a solution had to be arrived at that would ensure the education of the pupils and ensure that school boards would recover the cost of education for these pupils, that the revenue of the municipalities would not be affected and that the federal government would continue to pay its fair share of taxes. We believe this bill successfully addresses all these concerns.

**Mr. R. F. Johnston:** Although this may not be the kind of bill that will hang on electors' minds going into the next election, wanting to hold the government accountable for it, it is an important issue to the families of service men and women living on bases in Ontario whose children are being educated off base. I always liked that



expression "off base." I think most of my education was off base, but that is another matter.

Interjection.

**Mr. R. F. Johnston:** The comment from the government House leader is noted. Although I am not sure Hansard got it, it should have. I can only accept this because we are both from the Ottawa Valley. I want the Speaker to know that.

The bill is a necessary accommodation to the federal government's requirement of an adjustment of the way the financing has been handled, as the parliamentary assistant has said. It is difficult indeed for a member of the opposition to find something to quarrel with here, so I will not.

**Mrs. Cunningham:** I would like to speak briefly to Bill 186, the Municipal and School Board Payments Adjustment Act, just to note that I think this is a rather straightforward bill as presented by the government. We all know that the federal government has been paying twice for the education of children on Canadian Forces bases. It has been brought to the school boards' attention for some period of time that the Department of Public Works and the Department of National Defence have both been paying the bill.

I am pleased to see that this act will adjust the payment discrepancy and will place the responsibility for Canadian Forces education costs solely with Public Works. Thus, we think the bill will ensure that these pupils are treated in the same way as all other students in Ontario's publicly funded education system. I think it is important to maintain this principle as far as we have in the past and well into the future. This just clarifies and fixes up a discrepancy.

Motion agreed to.

Bill ordered for committee of the whole House.

**Hon. Mr. Conway:** I understand that the Minister of Colleges and Universities (Mrs. McLeod) is in the precinct and, if we can just wait 10 seconds, she will be here. The intention is that we will go through the 33rd order and try to complete the second reading of Bill 199 in the absence of the member for Etobicoke-Lakeshore (Mrs. Grier), and then proceed back to the committee stage, the committee of the whole House, for the three education bills so that, once in committee, we can stay there, he says expectantly.

**Mr. R. F. Johnston:** On a point of order, Mr. Speaker: I would be very happy to deliver the opening statement myself on this private mem-

ber's bill, known as the Terry Grier memorial bill—or whatever the title was; I have lost it at the moment—but since the minister is here perhaps she would like to rename the legislation and proceed.

#### RYERSON POLYTECHNICAL INSTITUTE ACT

Hon. Mrs. McLeod moved second reading of Bill 199, An Act to amend the Ryerson Polytechnical Institute Act, 1977.

**Hon. Mrs. McLeod:** Before making my opening statement, I would like to indicate that Dr. Grier, the president of Ryerson, is present in the gallery.

I have introduced for second reading An Act to amend the Ryerson Polytechnical Institute Act, 1977. We are proposing two amendments to the act.

Clause 10(h) of the act currently specifies that the power of Ryerson's academic council is limited to granting three degrees: bachelor of applied arts, bachelor of technology and bachelor of business management. The proposed amendment to this section specifies that Ryerson's academic council will also be empowered to grant such other baccalaureate degrees as may be prescribed by the regulations made under the act.

While the current degree designations allowed under the Ryerson act are well suited for most Ryerson programs, for certain others, such as social work, they are inconsistent with the degrees awarded for comparable studies at other Canadian institutions. Those degree designations, such as the bachelor of applied arts (social work), instead of bachelor of social work, are unfamiliar to employers and do not accurately convey the educational background of the graduates. The proposed addition of section 17a to the act would enable the Lieutenant Governor in Council to make the necessary regulations enabling Ryerson to grant degrees currently not specified in the act.

The method of establishing or changing degree designations which is incorporated in the proposed amendment to the Ryerson act is very different from that of the universities, although the degree designations may in certain cases be similar. The acts of incorporation of the provincially assisted universities typically give the senate of the university wide discretion to confer any degree it considers appropriate. In the case of Ryerson, however, the proposed amendment provides for a government regulatory power which will limit the new degrees to be granted by the institute to those which have been approved



by cabinet. This restriction on the degree-granting powers of Ryerson is designed to ensure that the institute confers only such degrees as are consistent with its differentiated role within the post-secondary education sector.

The proposed amendments will reinforce the policy of maintaining Ryerson's unique and differentiated role within Ontario's post-secondary education system. At the same time, it may afford Ryerson degree holders enhanced employment and mobility opportunities by placing them on an equal footing with graduates possessing similar qualifications from other institutions.

1600

**Mr. R. F. Johnston:** I always like these long bills. They do not take too much studying and the compendium is not too onerous. It is also, although it is short, perhaps more important than some of the longer bills we might see in this House from time to time.

Ryerson has held a very important place in the educational institutional framework of this province over the years, but it has been a sort of a strange position in some ways, midway between the colleges and the old-line universities. This government and past governments have never really come to grips with what they want from a polytechnic at the end of this century and the kinds of powers a council should have in terms of determining the appropriate courses and giving the kinds of credit for those courses that will give their graduates appropriate status in the province.

It is appropriate that after a long time of lobbying and acceptance by the university community, Ryerson now should have extended powers given to it under Bill 199 for more baccalaureate degrees. I think any of us who have dealt with Ryerson graduates in some of the areas where they do not have the authority, and the minister mentioned one of those as being social work, will understand that the four-year program at Ryerson is comparable to most BSW programs that I am aware of in Ontario. In fact, some of the practical training, which has been part of their procedure over the last number of years, has, in my view, been better in terms of the kinds of placements that were given and the emphasis on placement that was used. Yet the recognition has not been there.

I have had the opportunity in my office in the riding of Scarborough West to have many of the graduates or participants at that time in that social work program work in my riding and they have been wonderful assets, both in terms of case work and community development work. I have

always been delighted with them. As a past Community and Social Services critic for our party, I have had many BSW and MSW placements of one sort or another from the various institutions of the province, and I must say I have been very pleased with the calibre of participant I have had from Ryerson, even though some of those students were only in their second year and were much younger than a lot of the MSW students I have had from, for example, Wilfred Laurier University.

I think it is very important, in terms of those graduates coming in the next years, that they will have the right to greater status for the work they have done. No doubt this will help them professionally and monetarily as well but, more important, this is perhaps—and I hope it is—an opening of the doors to look at Ryerson and the whole question of where the polytechnic fits in our educational system these days in a more progressive fashion and to understand the incredible importance that this institution in particular has in this province.

I am very pleased to see that the legislation has been brought forward. There will be no amendments from this party or any concerns with the way the legislation has been brought forward.

I am delighted that President Grier is able to be here today, and other members of the Grier family who may be seated in the House. It is an important day for them, but most important for this institution which has done so much in Ontario and which now will have an even greater status than it has had in the past.

**Mrs. Cunningham:** It gives us a great deal of pleasure in the Progressive Conservative Party to speak to Bill 199, An Act to amend the Ryerson Polytechnical Institute Act, 1977. We would like to begin our comments by telling the minister that we agree totally with her statements as she introduced the bill and commend her for doing so.

We all know that the Ryerson Polytechnical Institute is recognized worldwide for its applied art and technology programs. Many of us who have lived in this city and have friends and family who attended this particular educational institution are very proud to have been able to be part of it, across Ontario and within the city of Toronto. It has produced thousands of skilled graduates who have made rather significant contributions to this province. We are very proud of Ryerson.

The bill is a result, I am told, of an October 1987 request by Ryerson. I am also told that the Ontario Council on University Affairs reviewed the request and recommended that Ryerson be

given this authority to grant baccalaureate degrees for university equivalent programs, provided it continue to offer its applied arts, business, community services and technology programs. I am sure that is correct.

I would like to say that the Progressive Conservative Party supports the substance of this bill which empowers the institute to confer baccalaureate degrees similar in designation to those granted by universities. We wish them continuing good success in the work they do in education and commend them for what they have been able to do in the past and for the wonderful contribution they have made to this province.

**The Deputy Speaker:** Do other members wish to participate in the debate? If not, would the minister like to wind up?

**Hon. Mrs. McLeod:** Yes. I would just like to express support to the members of the House, not only for their support of the amendments but also for the very ringing statements of endorsement of Ryerson and of the quality of its programs and, therefore, of the very real achievements of graduates of what is truly a fine institution.

It seems quite evident that there is unanimous agreement that Ryerson is fulfilling and will continue to fulfil a unique mandate in a truly commendable way and that these amendments will further assist it in carrying forward its goals. I know that the president of Ryerson will carry forward the support of this House to others interested in the institution.

Motion agreed to.

Bill ordered for third reading.

**Mr. Reycraft:** Mr. Speaker, I think there has been agreement that the Legislature should adjourn at this point to committee of the whole House. Am I able to make that motion or does it require the House leader?

**Hon. Mr. Conway:** Mr. Speaker, there is so much going on here today and we are making such progress. The member for Scarborough West (Mr. R. F. Johnston) always has a very salutary effect on the orderly progress of the public's business.

The member for Scarborough West and I remember another time when together we were able to effect very significant change in Ontario and we want to continue in that tradition.

I move that we proceed to committee of the whole.

House in committee of the whole.

#### EDUCATION AMENDMENT ACT

Consideration of Bill 70, An Act to amend the Education Act.

**The Deputy Chairman:** Are there any members who wish to propose any amendments to Bill 70 and, if so, to what sections?

**Mr. Beer:** I will be moving amendments to sections 1, 4, 5 and 7.

1610

**The Deputy Chairman:** Are there any others?

**Mr. R. F. Johnston:** I forgot to bring mine with me.

**The Deputy Chairman:** The third party? It would appear that there are no amendments from the third party.

Dealing first with the first amendment by the government, Mr. Beer.

**Mr. Beer:** With respect to section 1, I move that paragraph 6a of subsection 1(1) of the act, as enacted by section 1 of the bill, be amended by striking out "teach" in the second line and inserting in lieu thereof "provide instruction in."

This amendment clarifies that instructors provide instruction. Instruction is meant to be distinguishable from teaching, which is done by teachers.

**The Deputy Chairman:** Mr. Beer did not give me an opportunity to read the amendment.

Mr. Beer moves that paragraph 6a of subsection 1(1) of the act, as enacted by section 1 of the bill, be amended by striking out "teach" in the second line and inserting in lieu thereof "provide instruction in."

Now, Mr. Beer, any comment you may have.

**Mr. Beer:** This is a good learning experience for the parliamentary assistant.

**Mr. R. F. Johnston:** Charles, the key is to try to be consistent.

**Mr. Beer:** That is right. It is good for former teachers to go back to school and to realize what it is like to be at the opening.

The reason for this amendment is that it clarifies that instructors provide instruction. Instruction is meant to be distinguishable from teaching, which is done by teachers.

**The Deputy Chairman:** Are there any other comments?

**Mr. R. F. Johnston:** Many facetious comments spring to mind in terms of the definitional writing here, but I will hold myself back.

Motion agreed to.

Section 1, as amended, agreed to.

Sections 2 and 3 agreed to.

**The Deputy Chairman:** The next amendment, Mr. Beer.



## Section 4:

**The Deputy Chairman:** Mr. Beer moves that subsection 230(1) of the act, as enacted by section 4 of the bill, be struck out and the following substituted therefor:

“(1) A full-time or part-time teacher who is employed by a board shall be employed as a permanent or a probationary teacher with respect to those teaching duties with the board that are not related to the teacher’s employment as an occasional teacher, a continuing education teacher or a continuing education instructor.”

**Mr. Beer:** I think I have it right this time, Mr. Chairman.

The reason for this amendment is that subsection 230(1) of the Education Act is being rewritten to clarify that a person who is employed for continuing education purposes by a board as only part of his or her employment must be employed on a form 1 or form 2 contract with respect to his or her regular day school teaching duties.

**Mr. R. F. Johnston:** This is one of the important clarifications which were needed after the first drafting of Bill 70. It would have caused some very serious problems if this were not put in, so we are pleased with the amendment.

Motion agreed to.

Section 4, as amended, agreed to.

## Section 5:

**The Deputy Chairman:** Mr. Beer moves that section 230a of the act, as enacted by section 5 of the bill, be amended by adding thereto the following subsections:

“(4) A teacher who is employed by a board as a continuing education teacher may be employed by another board as a full-time or part-time teacher.

“(5) Notwithstanding subsection (1), where a teacher and a board agree, a full-time or part-time teacher who is employed by the board as a permanent teacher and as a continuing education teacher or as a probationary teacher and a continuing education teacher, may be employed under a teacher’s contract as a permanent teacher or as a probationary teacher, as the case requires.

“(6) Notwithstanding subsection (1), where a teacher and a board agree, a teacher employed by the board as a permanent teacher or as a probationary teacher with duties only as a continuing education teacher, may be employed with respect to those duties under the teacher’s contract as a permanent teacher or as a probationary teacher, as the case requires.”

**Mr. Beer:** Briefly, the reason for the amendment with respect to subsection 4 is that this amendment clarifies that a regular day school teacher employed by a board may teach continuing education for another board.

The reasons for subsections 5 and 6 are that the concept of an integrated teaching assignment is accommodated whereby, upon agreement of a teacher and a board, a full-time or part-time teacher employed by a board, both as a permanent or probationary teacher and as a continuing education teacher, may be employed in regular day school and in continuing education capacities on his or her permanent teacher’s contract or probationary teacher’s contract.

As well, where a teacher and a board agree, a teacher employed by a board as a permanent or probationary teacher, in other words, on a form 1 or form 2 contract, with duties only as a continuing education teacher, may be employed with respect to those duties under the teacher’s contract as a permanent or probationary teacher, in other words, on a form 1 or form 2 contract.

**Mr. R. F. Johnston:** I wonder if we could just get some clarification from the parliamentary assistant as to the situation here. Clearly, somebody who is a teacher can now be paid to do continuing education as well at another board or in the same board. A mix of jobs for somebody is possible in both of those contexts. There seems to be the right here for a board to agree to hire a teacher as a continuing education teacher. What are the rates of salary, as instructors or as teachers, in those cases?

**Mr. Beer:** The continuing education teachers, those who were so identified, would be paid at teachers’ rates. The continuing education instructors would be paid at the rates which individual boards would have set for that position. My understanding would be that where the individual was in fact certified as a teacher, then that person would be paid under the terms of the collective agreement for the teacher’s salary.

## 1620

**Mr. R. F. Johnston:** So as I understand it, in point of fact, a person who is a teacher and does some continuing ed instruction will be paid for that session the teacher’s salary, as a teacher, as part of the contract, whereas somebody in the next class from that person who may be teaching a similar course of continuing ed as an instructor would be paid at the instructor’s level?

**Mr. Beer:** The key difference here is that if you are an instructor, you are paid as an

instructor, and if you are a teacher, you are paid as a teacher.

**Mr. R. F. Johnston:** I guess the point I am trying to make is that if you are a teacher—let's just give the example that during the day you are teaching to some degree or another with a board and in the evening you take on an English as a second language course someplace and you are an instructor at that stage, you are paid in both positions as a teacher rather than as an instructor. Is that correct or incorrect?

**Mr. Beer:** Where the teacher is employed to teach—if you are talking about where this individual might be doing the instruction for another board as an instructor, then for that individual, as I understand it, subject to clarification, the board can determine to pay the teacher at those regular rates.

If I can continue to talk to this, I can ensure that my clarification is clear as well, and I am happy to say that the answer to your question is yes.

**Mr. R. F. Johnston:** Sorry, the answer was? I prefer to be clear about that.

**Mr. Beer:** Could I just clarify? As long as it is for a credit. Remember that the courses here that are teaching are credit courses, if that was your point.

**Mr. R. F. Johnston:** The reason I am raising this is that this is why the regulation side of things, in my view, is so important. In point of fact, we can still have very bizarre discrimination taking place, seemingly. If you are just a student and you are taking a course from somebody who is being paid \$19,000 or \$20,000 a year to instruct you in one course and then the next semester that you may take that credit course at night and you have a person who is teaching during the day, that person will be paid the regular teacher's salary for so doing, if it is in the same board, and possibly even if it is in a joint board, as I understand it, depending on whether he or she is part of a collective agreement. That is why, I think for me and for many others, the whole question of the regulatory powers is going to be so important in all of this. That is why I wanted to raise the issue.

**Mr. Beer:** To be clear here, because it is a technical point, the answer would be yes, you are paid at the teacher rate where you are teaching a course that is a credit course.

Motion agreed to.

Section 5, as amended, agreed to.

Section 6 agreed to.

Section 7:

**The Deputy Chairman:** Mr. Beer moves that section 7 of the bill be amended by striking out "day it receives royal assent" in the first and second lines and inserting in lieu thereof "first day of May 1989."

**Mr. Beer:** Just briefly, the reason for having the royal assent come on May 1 is to provide time for school boards to make the necessary arrangements for the new form, but also to ensure that that is done before the summer programs begin so that those continuing education teachers who are required for the summer would be able to use the new forms.

**Mr. R. F. Johnston:** One brief comment: It is always better to have a date in an act rather than the fact that it may be assented to at some point. There are any number of pieces of legislation and parts of legislation which have never been assented to even though they were passed by this House, so it is helpful.

Motion agreed to.

Section 7, as amended, agreed to.

Section 8 agreed to.

Bill, as amended, ordered to be reported.

#### EDUCATION AMENDMENT ACT

Consideration of Bill 69, An Act to amend the Education Act.

**Mr. Chairman:** At this moment, I would like to list all amendments that all parties would like to bring to Bill 69. Would the parliamentary assistant have any amendments that he would like to bring forward?

**Mr. Beer:** Yes, I would.

**Mr. Chairman:** To which sections?

**Mr. Beer:** Subsection 1(1), subsection 2(7), subsection 2(10), section 3, section 13, section 15, section 18, section 24, section 24—

**Mr. Chairman:** You have two amendments to section 24?

**Mr. Beer:** Yes, two amendments.

**Mr. Chairman:** Or three?

**Mr. Beer:** Three.

**Mr. Chairman:** Do I hear four?

**Mr. Beer:** No, you do not.

Then section 28, section 29, section 31. Sorry, did I miss one?

The honourable member for Elgin is trying to cause some trouble here. Did I say section 32?

**Mr. Chairman:** No.

**Mr. Beer:** Then let me say that now: section 32, section 34, section 35 and section 36, and that would seem to cover our amendments.



**Mr. Chairman:** Does anybody else have any suggestions for amendments?

**Mr. R. F. Johnston:** I have an amendment to section 20. I do not expect it to carry but if it did, then I would have subsequent other amendments to make between sections 20 and 21. I presume I will be moving only one.

**Mr. Chairman:** Would anybody else have any suggestions for amendments?

Therefore, may we proceed to section 1.

Section 1:

**Mr. Chairman:** Mr. Beer moves that clause 8(1)(zb) of the act, as enacted by subsection 1(1) of the bill, be struck out and the following substituted therefor:

"(zb) approve awards for the purpose of subclause 48(7)(f)(iv)."

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**Mr. Beer:** This amendment is a housekeeping amendment. The amendment is necessary since subsection 48(6), as amended by section 3 of Bill 69, has been further amended. A motion regarding this further amendment to section 3 of Bill 69 will be made.

**Mr. R. F. Johnston:** I have nothing on the substance, but any law that gets to the degree where it has a clause (za) and a clause (zb) is in danger of running out of letters of the alphabet. I would just suggest that maybe further amendment might be required later on.

**Mr. Chairman:** We have just heard from the scrabble expert.

Motion agreed to.

Section 1, as amended, agreed to.

**Mr. Beer:** Perhaps I might just note that the reason for most of these amendments we are discussing is to make adjustments to account for changes to the Education Act made by Bill 125 and Bill 100, which have overtaken this bill.

Section 2:

**Mr. Chairman:** Mr. Beer moves that subsection 2(7) of the bill be struck out.

**Mr. Beer:** Because of Bill 100 and the change in the equalization factors, this subsection is simply no longer necessary. It now appears that it will be necessary to have two different assessment equalization factors for use under the act. The more commonly used factor is that for apportionment purposes and the intent is to publish that group of factors by regulation. Clause 10(3)(d) of the act, to be repealed by subsection 2(7) of the bill, authorizes the regulation. It should be retained; hence the amendment to withdraw subsection 2(7).

**Mr. Chairman:** Is it the pleasure of the committee that the motion carry?

Motion agreed to.

**Mr. Chairman:** Shall section, 2 as amended, carry?

**Miss Roberts:** Carried.

**Mr. Chairman:** I am sorry. There is another amendment, to subsection 2(10).

**Mr. Beer:** I would just like to note the keen action by the member for Elgin to speed things along.

**Mr. Chairman:** Mr. Beer moves that subsection 10(10) of the act, as enacted by subsection 2(10) of the bill, be renumbered as subsection 10(12).

**Mr. Beer:** Just to see if we are up on our numeracy here today, Bill 125 added subsection 10(10) and subsection 10(11) to the act. This amendment merely alters the subsection number of the subsection being added by the bill.

Motion agreed to.

Section 2, as amended, agreed to.

Section 3:

**Mr. Chairman:** Mr. Beer moves that section 3 of the bill be struck out and the following substituted therefor:

"15. Subsection 48(6) of the said act, as enacted by the Statutes of Ontario, 1982, chapter 32, section 12, is repealed and the following substituted therefor:

"(6) Despite any other provision of this part, if a board admits a person who is not a Canadian citizen or a permanent resident to a school that the board operates, the board shall charge the person the maximum fee calculated in accordance with the regulations.

"(7) Subsection 6 does not apply to,

"(a) a person who is a participant in an educational exchange program under which a pupil of the board attends a school outside Canada without a fee;

"(b) a person who enrolled in an elementary school or a secondary school prior to the first day of July 1982;

"(c) a person who is a dependant within the meaning of the Visiting Forces Act (Canada);

"(d) a person who is in Canada under a diplomatic, consular or official acceptance issued by the Department of External Affairs;

"(e) a person who claims to be or is found to be a convention refugee under the Immigration Act, 1976 (Canada);

"(f) a person who is in Canada while the person's parent or other person who has lawful custody of the person is in Canada,

“(i) pursuant to employment authorization or ministerial permit issued by the Department of Employment and Immigration,

“(ii) under a diplomatic, consular or official acceptance issued by the Department of External Affairs,

“(iii) awaiting determination of a claim to be found a convention refugee under the Immigration Act, 1976 (Canada),

“(iv) as a graduate student who is the recipient of an award approved by the minister for the purposes of this clause and who is in attendance at a university or institution in Ontario, including its affiliated or federated institutions, that receives operating grants from the Ministry of Colleges and Universities, or

“(v) in accordance with an agreement with a university outside Canada to teach at an institution in Ontario, including its affiliated or federated institutions, that receives operating grants from the Ministry of Colleges and Universities; or

“(g) a person who is in Canada while the person's parent or other person who has lawful custody of the person is in Canada as a convention refugee under the Immigration Act, 1976 (Canada).”

**Mr. Beer:** The reason for the amendment is that section 3 of the bill amends subsection 48(6) of the act to broaden the categories of persons temporarily or newly in Canada who are exempt from paying maximum tuition fees for attending schools. This amendment restructures the subsection so that it is clearer and conforms to modern drafting standards. It also makes clear the intention that refugees and refugee claimants are exempt from the maximum fee.

**Mr. R. F. Johnston:** This is an important section. One wonders why it was not written according to those standards the first time. However, I will not belabour that point with the parliamentary assistant. Instead, I would like to just focus a little bit on a couple of the changes that are involved, one specifically, and that is to do with the refugee status.

We have seen in recent times a large influx of refugees, in part because of an impending change, at that time, in the federal law, but also because of the reputation of this country as a place that welcomes refugees and of the dire situation many people are living in in great fear around the world.

One of the offshoots of that has been the question of how a provincial government adjusts to this federal position, whether it is a policy, an absence of policy or a change of policy and what

kind of services we provide. There has been much change in the last number of years around social assistance and some other kinds of services. Recently, we have seen that boards of education have been responding to this particular phenomenon in different ways.

Today in the House, concerns were raised by myself, the member for London North (Mrs. Cunningham) and the minister around the York Region Board of Education's approach to this matter, in which it denied access to the public school system to 100 children from refugee families.

The present Education Act makes it clear there is an obligation upon the boards of education to educate any child who is living here, but this kind of amendment is crucial in terms of guaranteeing both that there is access and that there will not be a required payment of fees by refugee families, who are obviously in no position at all to pay those kinds of fees. This is an important initiative, which is much needed these days, and I commend the government for adjusting the legislation.

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I hope as well, and this is not something that is done under the act but rather under the regulations and under the distribution of grants to the various municipalities, that there will be changes forthcoming in terms of how we fund programming for refugee children, as I said earlier in the House.

This is one of those motions that may look like something that touches very few people—diplomats and a few other kinds of groups as the list goes on—but this particular category, which has never been in the Education Act as specifically as this before, is one that is a large group of many thousands of children in the Metropolitan Toronto area these days who have needed this kind of coverage and protection. I am glad the minister has seen fit to bring it forward.

**Hon. Mr. Ward:** I have a few brief comments. I very much appreciate the remarks from the member for Scarborough West. I believe in yesterday's press there was quite an extensive article about the influx of people into this province. We are now at 9.5 million with some 160,000 new residents. A very significant number of those are indeed immigrants. A significant number of those are refugees and there is no question it creates a particular pressure on our system of education, a pressure we have endeavoured to respond to, not just in terms of the issues of tolerance and human rights but in



terms of services and the quality of the services they receive.

There was some speculation as to the motive of the action that was taken by a particular board in this province. That is difficult to judge, because my understanding is it may have just been an interpretation by the administration, one the board may not have been aware of.

Getting back to the issue of the kinds of pressures and how we respond to those pressures, it should be noted that over the course of the past three years we have increased significantly the funding for those special services: a 271 per cent increases in English-as-a-second-language funding for continuing education students and some 95 per cent increase for day school students.

It should be noted that each student enrolled in the school drives up the grants that board receives, so in my view, in no way can any action of that sort be justified on financial grounds. I believe the amendments we are putting forward, as they relate to refugee claimants, clear unequivocally any notion that may be held by any responsible people out there. Each and every resident in this province, each and every child has guaranteed access to a public education.

**Mr. R. F. Johnston:** I guess the only point I wanted to make was that an influx of immigrants and an influx of refugees are two separate kinds of things in terms of requirements and in terms of the impact on boards. My own Scarborough board this fall was advised by a legal clinic in my riding of 20 new people who had arrived one day. Within a week, it had to somehow find a teacher and accommodation in one of the local schools, some of which are overcrowded. That kind of problem exists.

I am wondering—this is obviously not something to be dealt with in an act—whether we need to think about how quickly we can assist boards to adjust to refugee claimants rather than straight immigration influxes we might see from time to time.

**Mr. Beer:** As one of the members from York region, if I can speak from this side at this point, just with respect to this particular issue of refugees and refugee claimants, having talked to members of the board today, I would like to stress that I believe it is very much their intention to do what I think we all would agree is the right thing. We admit children of refugees, of refugee claimants into our schools. There is certainly no intention, nor would we wish to see any, that young children be somehow caught in the middle in some of these problems that are ongoing in

terms of how we deal with claims for refugee status.

I think one of the elements that is important here, and as it happens arises in terms of amendments to this bill, is making it clear by all of us that we want to ensure the children involved are treated fairly and receive the kind of education that is one of the reasons they have come to this country.

Motion agreed to.

Section 3, as amended, agreed to.

Sections 4 to 12, inclusive, agreed to.

Section 13:

**Mr. Chairman:** Mr. Ward moves that subsection 130(5d) of the act, as enacted by section 13 of the bill, be amended by striking out “arbitration” in the first line and inserting in lieu thereof “review.”

**Hon. Mr. Ward:** The reason for the amendment is that Bill 100 substituted “reviews of apportionment” for “arbitration of apportionment” as a means of appeal of apportionments made under the regulations. The amendment, therefore, corrects the terminology now in use.

Motion agreed to.

Section 13, as amended, agreed to.

Section 14 agreed to.

Section 15:

**Mr. Chairman:** Mr. Ward moves that section 15 of the bill be struck out and the following substituted therefor:

“15. Section 136i of the said act, as enacted by the Statutes of Ontario, 1986, chapter 21, section 2, is amended by adding thereto the following subsections:

“(1a) Subsection (1) does not apply where a public board has part of the same area of jurisdiction as a Roman Catholic school board as a result of the fact that a separate school zone that comprises part of the county or district combined Roman Catholic separate school zone for which the Roman Catholic school board was established has a centre that is situate within 4.8 kilometres of the boundary of the public board and is not situate within the area of jurisdiction of the public board.

“(1b) Part VII-A applies with respect to the election of members elected by separate school electors to a public board to which subsection (1a) applies as if the coterminous board Roman Catholic separate school board as defined in subsection 206a(1) was not a Roman Catholic school board.”

**Hon. Mr. Ward:** The reason for this amendment is to clarify the matter. Bill 30 cast off and prevented election of members elected by separate school electors to public boards where a coterminous Roman Catholic separate board shared common geographical jurisdiction. Section 15 of the bill rectifies the situation where the shared jurisdiction was nominal only, caused by zones within three miles of the board's area.

Bill 125 results in a deeming of the Roman Catholic electoral group to be zero, notwithstanding section 15 of the bill. Consequently, an override of Bill 125 is now necessary and is provided by this amendment. As I stated, this definitely gives more clarification.

**Mr. R. F. Johnston:** It is hard to believe Bill 30 would have let any detail escape it, but I want to point out that in fact the problem is mostly with Bill 125, not Bill 30. That is why we have had to adjust this.

Motion agreed to.

Section 15, as amended, agreed to.

Sections 16 and 17 agreed to.

Section 18:

**Mr. Chairman:** Mr. Ward moves that section 150a of the act, as enacted by section 18 of the bill, be amended by inserting after "board" in the first line, "other than a board that by an act is given a name in the French language."

**Hon. Mr. Ward:** Briefly, without the amendment, a possibility exists that any statutory name for a school board in the French language would be adjusted by this section. This amendment removes that possibility.

Motion agreed to.

Section 18, as amended, agreed to.

Section 19 agreed to.

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Section 20:

**Mr. Chairman:** Mr. R. F. Johnston moves that subclause 155(1)(a)(i) of the act, as set out in section 20 of the bill, be deleted and the following substituted therefor:

"(i) group life insurance for its employees and retired employees or any class thereof and their spouses and children."

**Mr. R. F. Johnston:** I spoke to this in my opening remarks and chatted briefly with the minister before we moved to orders of the day. I wanted to bring to his attention through this motion that I had been approached by Canadian Union of Public Employees representatives, primarily from the various school boards, saying that they were concerned that, in all these matters

of life insurance and other kinds of services that are provided, retirees as a class of employee are never included and it would be appropriate for the government to recognize the fact that such things as group life insurance for those retirees would be something that boards should be paying.

They are not unlike provisions that we have as members of the Legislature when we retire, to be able to maintain certain kinds of benefits for the rest of our lives, that are not given at this moment, as a right, to those employees.

I understand that this may not be acceptable at this point due to the whole process that is involved and that there will be need for more canvassing of the various players in the system. I just want some assurance today that, as this is voted down, that kind of canvassing will take place and if it is possible, if there is some sort of a consensus out there, that perhaps it might be added to the next omnibus bill, which I know is already in process and going the rounds of consultation at this point.

**Hon. Mr. Ward:** Just briefly in my comments, I will indicate that the government is not prepared to support this amendment at this time. The amendment relates to extending additional benefits to retirees: retirees who have been members, no doubt, of the fine benefit pension plans which have had their contributions based on what those benefits are, contributions which are shared both by the employee and the employer.

I did not have prior notice of this amendment until just a few hours ago. As I have indicated to the member, I would be happy to look at it and to consider its implications for consideration in a future omnibus bill.

**Mr. R. F. Johnston:** It is not a new matter. This is in fact a matter which has surfaced many times over the years and most recently was brought forward by the member for Hamilton East (Mr. Mackenzie) as Bill 33, An Act to amend the Education Act, in which he dealt with this particular service to employees and retirees, as well as a number of others. It is a matter which has been raised before and on which, I think, it is almost time that we had some action.

**Mr. Pouliot:** I do not wish to take it with a grain of salt, but I wish I had the opportunity to take more seriously the commitment from the minister that he will indeed recommend very strongly what seems to be sort of the style. For instance, as a comparison, for what it is worth—and the minister should listen rather carefully because it affects people more like



himself than ourselves on the other side of the House—when we are talking about that most lucrative tree, about public money and public disclosure, the minister, like everyone else, by virtue and reason of his tenure is entitled to a lucrative pension.

Granted he pays 10 per cent of his salary into the pension. He has provisions in that pension stating that once he is the recipient or beneficiary of payments, he shall take as part of the benefits some fringe benefits that are consequential. That is from the public purse, and we acquiesce to this universally and say: “That is the way it should be. The public purse can somewhat afford it.”

On the other hand, we see the civil servants, the teachers who are under the Teachers’ Superannuation Act—and there are other provisions—recipients of a pension that has taken somewhat longer to accumulate, to be vested. We recognize this and say: “You pay 5.9 per cent, 6.9 per cent. We will grant you an indexing provision. We won’t call it at the discretion of the Speaker, but you will pay a supplementary one per cent or maybe 2.34 per cent, or whatever it takes.”

Yet we recognize the need for some incentives and pass some legislation to encourage people to make room and give other people a chance to enter the profession. It costs less to the taxpayers because it costs less to the school boards, but I will not get into this.

If we say, “Yes, we agree that we will enhance your pension to make it possible for you to retire,” is it not a normal component, just a normal reaction to ask: “Not only do I take the pension, but what is going to happen to me in terms of the Ontario health insurance plan? What about coverage? What about life insurance?”

The people are saying they do not want to be like the minister. There is no jealousy involved here, no false parallel or analogy, but a little bit of envy in saying, “Well, look at the minister.” I wonder in conscience—and the minister is a just person—whether he does not wish to do to others, who happen in this case to be what one could call his employees—he is the main man there. He is the Minister of Education, and people are saying: “You can make our lives better. Show us your power.”

The minister can do this, and they are saying they want him to stand today and say, “I, the Minister of Education”—repeat after me—“will recommend in the strongest terms that the retirees, people who are getting their pension, take the following list of benefits as a normal and natural part.” This is what the person with a

social conscience—well, there are others, but we recognize that is what the member for Scarborough West in a committee here is saying. What he is saying is possible. It is not all that costly and it is reasonable.

I am waiting for the minister’s answer. I do not want to monopolize the conversation, but I too am waiting for the minister’s commitment now that he will now recommend in the strongest terms a list of benefits to go with the retirement benefits that we are already aware of.

**Hon. Mr. Ward:** I do not mean to prolong the debate. I indicated to the member for Scarborough West that this is an item that would be looked at. But the suggestion that with a stroke of the pen we can sit here and make adjustments with very, very substantial financial implications, potentially tens of millions of dollars, and not have any due regard as to what those implications are—the member makes reference to his very lucrative retirement allowances that are provided to him and to others in this chamber—

**Mr. Pouliot:** I don’t think I’m going to lose.  
1700

**Hon. Mr. Ward:** Wait a minute. Under the Legislative Assembly Retirement Allowances Act, the member has to know, and I am sure he does, that the benefits derived from a pension plan are paid for through the funds that are accumulated by the contributions made by the individual employee matched by his or her employer.

If he wants to extend those benefits in an ad hoc fashion without having made any provision for the funds to pay for those benefits, then what he is doing is placing the burden of those costs on the current employees or on future employees in future generations. I do not think those sorts of decisions should be taken lightly or without due regard to the financial consequences. I merely make the point that I am prepared to look at that, but I would like the member to repeat after me, “Money does not grow on trees.”

**Mr. R. F. Johnston:** It is always amazing how an argument in one case surfaces that will come back to haunt someone elsewhere. I know there is not a board or a teachers’ group out there in the province that feels that any Minister of Education, let alone this one, has ever laid anything on it without real consideration for the consequences or has demanded extra costs to the local taxpayer or local employee for certain kinds of actions and without justification. Justification is now the rationale.

I would just say to the minister that I understand he is not going to support this today and I want the canvassing to take place. I also want to remind him that, in fact, it was representatives of the union representing these workers, the present workers, who have said that they would like this kind of package and would like to accept that.

I hope that, using that information, we may also be able to get the boards to look positively on this suggestion for all the reasons that the member for Lake Nipigon (Mr. Pouliot) has so articulately put this afternoon.

**Mr. Chairman:** All those in favour of Mr. Johnston's motion will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 20 agreed to.

Sections 21 to 23, inclusive, agreed to.

Section 24:

**Mr. Chairman:** Hon. Mr. Ward moves that subsection 167(2) of the act, as enacted by section 24 of the bill, be amended by inserting at the end thereof "and to the chairmen of committees of the board."

**Hon. Mr. Ward:** The amendment adds to the list of people whom boards may at their discretion choose to give extra allowances to, such as chairmen of committees who have additional responsibility within the board's operation.

**Mr. R. F. Johnston:** I just got up to avoid the heckling from the government whip. I really did not have anything to say. No, I think this is an important addendum. We were informed that this amendment might be forthcoming, and it is a good addition. We are pleased to see it happen.

**Mr. Chairman:** Is the pleasure of the committee that the motion carry?

Motion agreed to.

**Hon. Mr. Ward:** I move that subsection 167(2b) of the act, as enacted by section 24 of the bill, be amended by striking out "under part IX-A or XI-B" in the second and third lines and inserting in lieu thereof "for the purposes of part XI-A."

**Mr. Chairman:** I have "under part XI-A or XI-B." Which is it?

**Hon. Mr. Ward:** It is XI.

**Mr. Chairman:** In that case, the minister will allow me to read it back in full, if he does not mind.

Mr. Ward moves that subsection 167(2b) of the act, as enacted by section 24 of the bill, be amended by striking out "under part XI-A or XI-B" in the second and third lines and inserting in lieu thereof "for the purposes of part XI-A."

**Hon. Mr. Ward:** Under Bill 75, part XI-B of the act stands repealed as of December 1, 1988. Part XI-B created French-language councils and English-language councils, which will be superseded by sections as enunciated under Bill 125. The amendment deletes reference to part XI-B. Since part VII-A enacted by Bill 125 now governs trustee elections, rather than in the case of election of members of sections, part XI-A modification in reference has also been made by the amendments.

**Mr. R. F. Johnston:** I notice that the minister had difficulty with the Latin numerals. It is my understanding that he did study Latin in our system back when it was of more use than it is today. I just think he spent far too much time on Catullus and not enough time on the Peloponnesian wars.

Motion agreed to.

**Mr. Chairman:** Mr. Ward moves that subsection 167(2c) of the act, as enacted by section 24 of the bill, be struck out and the following substituted therefor:

"(2c) A trustee of a separate school board elected for the purposes of part XI-A or appointed to the board is entitled to an allowance on the same basis as a trustee who is elected, other than for the purposes of part XI-A, by separate school electors."

**Hon. Mr. Ward:** Under Bill 75, part XI-B of the act stands repealed as of December 1, 1988. Part XI-B created French-language councils and English-language councils, which will be superseded by sections. The amendment deletes references to part XI-B.

Motion agreed to.

Section 24, as amended, agreed to.

Sections 25 to 27, inclusive, agreed to.

Section 28:

**Mr. Chairman:** Mr. Ward moves that,

(a) subsection 252(2) of the act, as enacted by section 28 of the bill, be amended by inserting after "2,000" in the third line, "two or more district school area boards or a board of education and a district school area board"; and

(b) subsection 252(3) of the act, as enacted by section 28 of the bill, be amended by inserting after "2,000" in the third line, "two or more rural or combined separate school boards or a rural or



combined separate school board and a district combined separate school board.”

**Hon. Mr. Ward:** The objective is to enable all boards that are not required to have a director of education to share with another board the services of a director.

Motion agreed to.

Section 28, as amended, agreed to.

1710

Section 29:

**Mr. Chairman:** Mr. Ward moves that section 29 of the bill be struck out.

**Hon. Mr. Ward:** This item is covered off in Bill 125.

**Mr. R. F. Johnston:** I am always happy when things are struck out.

Motion agreed to.

Section 30 agreed to.

Section 31:

**Mr. Chairman:** Mr. Ward moves that section 31 of the bill be struck out.

**Hon. Mr. Ward:** The section is inconsistent with the Education Act, as amended by Bill 125.

Motion agreed to.

Section 32:

**Mr. Chairman:** Mr. Ward moves that section 32 of the bill be struck out.

**Hon. Mr. Ward:** That is no longer necessary as a result of Bill 125.

Motion agreed to.

Section 33 agreed to.

Section 34:

**Mr. Chairman:** Mr. Ward moves that section 34 of the bill be amended by striking out “1988” in the fifth line and inserting in lieu thereof “1989.”

**Mr. R. F. Johnston:** You are just changing time and you do not want a comment from the minister, Mr. Chairman?

Motion agreed to.

Section 34, as amended, agreed to.

Section 35:

**Mr. Chairman:** Mr. Ward moves that section 35 of the bill be struck out.

**Hon. Mr. Ward:** The purpose of section 35 was to regularize the situation in Kent county, where no member for a French-language education council could be found. FLECs cease to exist as of December 1, 1988, so the proposed section is no longer required.

Motion agreed to.

Section 36:

**Mr. Chairman:** Mr. Ward moves that section 36 of the bill be struck out and the following substituted therefor:

“(1) This act, except section 13, comes into force on the day it receives royal assent.

“(2) Section 13 comes into force on 1st day of January, 1988.”

**Hon. Mr. Ward:** The change made by section 13 is to allow separate school boards to legitimately use the apportionment regulation to the same extent as public boards and results in part from Bill 100.

Motion agreed to.

Section 36, as amended, agreed to.

Section 37 agreed to.

Bill, as amended, ordered to be reported.

#### MUNICIPAL AND SCHOOL BOARD PAYMENTS ADJUSTMENT ACT

Consideration of Bill 186, An Act to provide for the Allocation of certain Payments or Grants in lieu of Taxes made by Canada to Municipalities in respect of Lands that are Exempt from Taxation.

**Mr. Chairman:** At this moment I would like to list all amendments that people would like to bring forward for Bill 186.

**Hon. Mr. Ward:** I have one amendment to section 4.

Sections 1 to 3, inclusive, agreed to.

Section 4:

**Mr. Chairman:** Mr. Ward moves that section 4 of the bill be amended by striking out “31st day of December, 1988” in the third and fourth lines and inserting in lieu thereof “1st day of June, 1989.”

**Hon. Mr. Ward:** I do not think an explanation is necessary.

Motion agreed to.

Section 4, as amended, agreed to.

Sections 5 to 7, inclusive, agreed to.

Bill, as amended, ordered to be reported.

On motion by Hon. Mr. Conway, the committee reported three bills with certain amendments.

**Hon. Mr. Conway:** Before calling the next order, I have to say that I feel I owe a debt of gratitude to the minister, the parliamentary assistant and the very esteemed critics for the expeditious and constructive way they went about their business this afternoon.

# METROPOLITAN TORONTO POLICE FORCE COMPLAINTS AMENDMENT ACT

Resuming the adjourned debate on the motion for second reading of Bill 4, An Act to amend the Metropolitan Toronto Police Force Complaints Act.

**The Acting Speaker (Mr. M. C. Ray):** Are there any members who wish to participate in the debate?

**Mr. Hampton:** As I understand it, the member for Brampton North (Mr. McClelland) had the floor when this debate was adjourned last week.

**An hon. member:** He didn't speak; he just adjourned.

**Mr. Breaugh:** He tried to speak; it was not possible.

**Mr. R. F. Johnston:** They cut him off again. Is there some reason why he has been cut off and is not being allowed to speak? I think we need to know.

**The Acting Speaker:** May I ask again, are there any members who wish to participate in this debate?

**Mr. Breaugh:** Many of the members here have noted in the course of their speeches on second reading of the bill that they have seen various attempts now by two different governments to deal with this matter. It is, I think we should all say, a difficult question. It involves not just those who might feel they have been somehow caused a grievance by a police force and not just the police force that is involved and the individuals who have been accused in that instance, but it also involves the rest of us in a strange way.

Part of what this society is about is a relationship with police officers that is different from what one might experience in other parts of the world. It is not to say that everybody thinks of the police officer as his friend, but it is true to say that you do not see them as your enemy. I think that everybody who has ever been stopped for a traffic violation loses the feeling that the police officer is a friend. A police officer is an imposing figure. He or she represents the authority of one's society and the laws that are there. That is a difficult moment, even when the officer tries to be as friendly as he or she can be.

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When someone believes that the officer has acted incorrectly, whether that is a minor violation about attitude, the words that the officer used to the public or whether that is something

more substantive in nature by virtue of some alleged criminal act on the part of the police officer, this society has always had a difficult time dealing with that.

I recall when I first became a member here, one of my first tasks was to be critic for the Solicitor General. At that time we were discussing this matter prior to there being any kind of legislation in place. The government of the day moved with great trepidation on the matter. I think because they understood that there was no clear option, there was no way to proceed without alienating someone. Everyone who was involved in the situation expressed great dissatisfaction with the current process. Let me try to give my personal principles that I have kind of evolved over the years.

The first thing is, I think there is a difficulty with police forces in Ontario. They have not quite come to grips with whether they are a quasi-military organization or not. From a practising police officer's point of view, this poses some problems. If a police officer is a citizen of this country, surely he or she does not lose all of his rights simply because somebody does not like his or her haircut, the fact that he might wear a moustache, that the moustache might be too long or there might be something else about his behaviour, his dress or his appearance that a superior officer does not like.

It is true that from a police officer's point of view, the internal grievance system takes away some of his rights. Some have argued, "You should deal with them as you would anybody else who, it is alleged, has done something wrong. Whether that is a serious violation of the Criminal Code of Canada or whether that is something that might be of a lesser nature about their attitude toward the public, about their deportment or whatever it might be, it becomes very sticky.

I for one would not want to be a police officer who is treated in that way. I think there is a problem with that.

There are some things that I think we have discovered over the years about this process. The bill that is currently before us takes a Metropolitan Toronto model and attempts to say, "This would be suitable across Ontario, kind of on a local-option basis." There are two serious problems I have with that. First of all, it does not really recognize that the rest of Ontario is not like Metropolitan Toronto. That, I think, is a substantive problem that one has to deal with: that a police complaints system, which is



appropriate for a large urban setting, is not going to fit very smoothly into rural Ontario.

This proposal under this bill, for example, excludes the Ontario Provincial Police. That cannot be. The OPP in many municipalities in Ontario is the police force. There is no local municipal police force at work. It is the Ontario Provincial Police who does that. It will make no sense to someone who feels he has a proper grievance against the police force if the argument is trotted out at that time: "But they are Ontario Provincial Police officers. They are not a local force and therefore you have no grievance rights." That is a major problem that one has to deal with.

It will make no sense, for example, if someone is driving along Highway 401 and crosses the Metropolitan Toronto boundary into the region of Durham and Durham says, "We are not opting into this bill." You will have a difficult time explaining to the individual, "If that had happened on one side of the Metropolitan Toronto border with Metropolitan Toronto police, you would have had a grievance procedure; but if it happens half a mile away with a different regional police force, you do not."

One of the reasons I dislike this approach is that this kind of law does us all damage. When the law looks silly to the public—and it will—it does not serve the public well. That is part of the problem.

There are a couple of other things that I think have to be dealt with. As one who has had a number of conversations with police officers about this, I know that the differences of opinion are going to be marked: I do not believe it is appropriate any more for police officers to investigate complaints against other police officers. I know we have struggled with this for a while; I would like to give a couple of perspectives on it.

From the police officers' point of view, they feel they are dealt with almost unfairly by internal reviews. If you talk to a police officer who has gone through some kind of internal investigation of his or her actions, he or she often will quote you chapter and verse that this is unfair to them, that they do not get the same rights that an ordinary criminal gets in the court system, because it is done internally. It is almost a military-like review of someone's performance or behaviour and it tends not to be very fair in their eyes. So they do not like that one.

They also do not like the idea that it be done by someone else. I think on that part of the issue there is not much of a choice that you can make

except to say that we recognize this cannot be done by a police force. It will have to be done by qualified investigators who are not attached to any of the existing police forces that are now in Ontario.

It may well mean something not too different from what is currently being practised through the auspices, I believe, of the Ontario Police Commission, that it attempts to draw up a group of police officers who will go and do these investigations in other forces.

It is quite a common practice now, when a force has a problem, that it will ask some other neighbouring force to come in to do the investigation. That is perhaps a step in the right direction, but I think you have to make this distinction and you have to understand it: In the public's mind, you cannot have police officers conducting this kind of an investigation. It challenges their credibility and that is crucial to them. It challenges their credibility to the public. Many officers do not understand this at all—perhaps do not want to—but I think we all have to come to grips with this, that the time has come when our society has changed enough that we have to find a system that is fair to both sides and is seen to be fair to both sides.

I know many members here have addressed this question of the changing society. It is true, regretfully, that many of us come from small towns in Ontario where the police officer was the guy who stopped in at the softball game. He was your hockey coach; he was somebody you knew on the street. You knew the police officer in a different way than you do now.

I think many of the forces around Ontario, with budgetary difficulties and with problems of policing a larger population sometimes spread out over a larger area, have gone into the cruisers and off the streets. There is now a movement afoot in many places in Ontario to get them back on the street where they can meet the community face to face, where people will see a police officer in a different light.

I do not think you can ever get away from the fact that in certain situations a police officer is not going to be seen as your friend. I do not think there is anything we can do about that. Probably there is not anything we should do about that, but I think we can do some things that will assist officers to be better known in their community.

I support the idea, for example, that is used in many communities now around Ontario of not going to a full-fledged police station but using some kind of a mini-station concept. In my Durham region, for example, at Cannington,

they have a smaller station which is used. They have another one at Port Perry. These are just places so that people in the local community can have some contact with the police force in the course of their normal, daily affairs; so that they can see the officers.

I know that in many forces around Ontario a lot of time and effort is spent to try to get members of the police force into the community on a regular basis—into the schools, into sports, into all kinds of athletic activities, into cultural activities. I know that police officers are aware there is a kind of problem of establishing their relationship and re-establishing that relationship.

I know there is a difficulty among many people who come here from different countries in relating to police officers who do not look anything like them, who have no understanding of their culture or their language or their traditions. A police officer is put in a very difficult position in that situation. There is no way that a police officer on the beat here in Metropolitan Toronto can know all of the cultures that are out there that he is going to have to deal with; I think that that is a given.

I think we can do some things that will assist him to be a little more empathetic towards that point of view, to try to make him aware that there is a cultural problem here that he has to try to deal with and that there may be a linguistic problem that he has to deal with. It makes a police officer's job so much more difficult when there is a language problem, when there is a cultural problem, when there is a problem of background, of society's differences.

I think it is a shame, frankly, that this bill is being brought forward now because right now in the area in and around Metropolitan Toronto there are several controversial matters that have been on the front pages of the newspapers for days. This is hardly the most appropriate time, in my view, to have a quiet chat about how society will deal with this problem. I think that is going to be very difficult to do. Perhaps it must be done. Perhaps it is an inevitable thing. Perhaps there never will be a time that would be more appropriate. But I often think that governments do things when they have to, not when they should, and that is the great shame of things.

1730

It would have been great if, in a time period when there was no raging controversy immediately upon us, we had been able to go out and hold a series of public hearings and invite people in and say, "Well, now, here is the police officers' perspective on this matter and here is the

legislators' perspective on the matter, and we now seek the community's perspective on it," and see how much of a consensus we can build.

I want to say again, I do not believe that you can build consensus on this. I know there are perspectives that are going to militate against that. You cannot ask a police officer to forfeit some of his rights in order to go through this process, and that is going to be awkward.

As one who was once a critic in this portfolio, I know that police officers are very sensitive to this. None of us has to make the kind of judgement calls that a police officer does. A lot of people—and I think this should be said too—work in high-risk occupations; but there are very few who work in an occupation that is similar to the work done by a police officer. There are very few of us who will have to go out on to a suburban, residential street this evening and decide whether we will or we will not use our service revolver.

There are many things about the rules and regulations, for example, governing that which seem to me to be unfair. For example, there is a basic problem that I think has to be addressed. I know the Solicitor General (Mrs. Smith) is here and she has probably spent some time on this. Police officers do not have a bad argument when they say: "Listen, we're the only people on the street who have our weapons governed by regulations. There is no crook out there who has to check in with some regulatory agency to determine what kind of weapon he will use, what kind of ammunition he will use. He will not be subjected to a report if he discharges a firearm. I am the only person on the street who's regulated in that way."

For some members, I think it is a bit of a shock sometimes to think that out on the streets of this community tonight are people who are not very happy folks, who are disturbed, who have a tendency to create criminal acts, and who have access to weapons of any kind. We very often think, "Well, they're not in my community."

I would ask you to go and take a look at the stores in your community and see what they are selling these days. It will surprise you how many weapons are available, freely and openly and legally, in Canada, a country that takes some pride in the assumption that we have gun control laws in this country that are markedly different from the United States.

The problem with all of our laws in Canada, of course, is that they apply to and work fairly well for people who obey the law. They do not apply very well to people who do not obey the law. You



can make a good argument that we have good gun control laws in Canada, but I think most members here who have had any chance to talk to their local police force will know that all it takes is a short car trip to Buffalo tonight to get you almost any weapon you want, and that those weapons are on the streets of our communities now, and their problem is to try to combat that sensibly and rationally.

We do that. We try as best we can to see that our police officers are well equipped, to see that our police officers are trained to handle emergencies; but I watched, I think it was the chief instructor for the Metropolitan Toronto special weapons and tactical team, and he was saying that his best weapon is the person who negotiates; that is the most effective weapon he has.

It is unusual in police circles to see police officers talk like that. Many of you may have had a chance to talk to police officers from the United States, for example, and you see a very different attitude come forward there. If you talk to police officers in the United States and see their attitude and the equipment that they have, they really are advocates of firepower.

Many of them whom I have had conversations with say that what disturbs them most is that when they arrive at the scene of a crime, they have no idea who are the good guys and who are the bad guys, because there can be all kinds of people on the scene of a crime in the United States firing or discharging weapons, and their first task is to try to sort out who committed the crime and who was around afterwards but just happened to have a handgun with them. We do not have to face that; our society is a little different.

I think we have to recognize two or three things. First of all, there is a need now to establish a complaint system that the public sees is fair. We have not done that. We certainly have not done that across Ontario. If we do not, the problem is going to get worse; it is not going to get better. This may not be the most opportune moment in the history of Ontario to do this, but it has to be done.

Part of the solution will be to see that there is as much justice in Mississauga as there is in Metropolitan Toronto. If there is not, the government will have failed a very basic criterion. This is not the kind of thing that can have a local option attached to it. That is a little harsh, because I think one of the main tenets of this bill is to have a local option. The government cannot do that. It may take the courts some time to sort that out, but it will not stand up.

Second, we must find a way to conduct the investigation so that it is not seen to be the police investigating the police. I would like it very much if we could do that on the advice of police officers around Ontario. I would like it very much if they would agree that the investigative process is a fair and reasonable one, but even if they do not, it must be done. That is a challenge, and I do not see much in this bill which meets that challenge at all.

Finally, I think the government has to find a process which provides a reasonable addressing of those principles in every municipality in Ontario. It cannot have a bill which excludes the Ontario Provincial Police. It cannot have a bill which excluded the Royal Canadian Mounted Police. It cannot have a bill which excludes any other police force. In other words, it cannot have a catch-22 that just because the officer belongs to a municipal force, he comes into play under this complaints procedure but if he belongs to any other police force in Canada, he does not. The public does not make those distinctions, nor should it. If a police officer acts incorrectly, he or she should not be able to avoid this complaints procedure by virtue of the fact that he belongs to another police force.

Those are pretty fundamental things that have to be addressed, and in my view, this bill does not do that. I do not want to be overly critical of the bill itself, because it is in a sense a response by the government to do something. If there is anything that is crystal clear at the moment, it is that the government has to do something. The current situation is intolerable.

The situation in Mississauga brought about one of the most fundamental and blatantly wrong situations that we have seen in some time. Part of that goes back to what I talked about initially, that police forces have not quite decided what they are. Are they military institutions, in which case they kind of discipline their own and silence is the order of the day?

One of the things I have learned over the years about policing in particular is from the retiring chief of the Durham regional force, John Jenkins. John was perhaps not as sophisticated a man as some would have in police work these days, but he knew the basics extremely well. He had a broad base of experience over a number of years and he knew these things to be paramount to him.

While it was important that his force be computerized, well equipped and well trained, he also knew that it was incredibly important for the chief of police to get out from behind his desk

and know what was going on in his community, and it was equally important that his officers do so as well.

If he does not have some understanding of how his community is relating to his police force, he cannot police it effectively. If he does not know what is going on in his community, he cannot deploy his officers effectively. If he does not have some understanding of that basic relationship between a community and its police force on a daily, on-the-ground basis, not reading from a report from another officer but from his own personal knowledge, he cannot do that effectively.

He also taught me that one of the fundamental things is that a police force must communicate with the society around it. It cannot retreat internally. I must say, as most members will, from time to time I had problems that were brought to me by constituents about police officers. One of the things I always found refreshing about John was that I never felt he was trying to keep information from me.

If his officers had a problem, he told me what the problem was. If there was a difficulty in policing a given situation, he told me there was a problem. He did not try to pretend that they had everything conquered. He told me what the problem was and he told me what they were trying to do to correct that problem. It seems to me that is about as good as it gets.

In many cases, a major part of the problem is that police forces have not quite worked out their relationship with the media. They have not quite learned how to talk to people yet. Part of this is difficult for them because there is all this attitude about: "Well, it's before the courts. There are certain things we can say and certain things we can't say, and the lawyers advise, 'You can say this, but you can't say that.'"

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How wonderful it would have been, though, if somebody had been able to explain to a mother in Mississauga why her son died, and no one did that. That is a pretty basic human need. It is one thing to kind of do your job as you see fit, but it is another to understand that sometimes it is just basic human elements that are required here. Sometimes all that is really necessary is for one person to talk to another person and to establish a relationship; if you never do that, no complaint system you ever set up will resolve the issue at all.

If you do not have that kind of relationship, if you do not know how to talk to the people you serve, you cannot do much of a job in serving

them. That is pretty basic, whether that is politics, medicine or policing. If you cannot listen to what your community is saying at any given moment, you cannot serve it. If you cannot communicate with them, you cannot serve them. If they think that you are doing something wrong, and you have not figured out a way to put your side of the story on the table, there is not much chance of resolving it.

There are some—and I am sure there are some in my own caucus—who would say, "We need a civilian complaints procedure." I kind of regret the name that is used for this. I am not quite sure how we deal with all the things that happen in the course of a police officer's working day as complaints. Sometimes they are not complaints. Police officers, like everyone else in our society, are not perfect; sometimes they do wrong things. I do not know of police officers who set out to do that on a daily basis, but I do know that there are police officers working today in Ontario who beat people up. I know some of them. It does not mean they are bad people.

But I do know that there is a fine little judgement line that has to be made there when an officer works a picket line and his sergeant tells him he has to clear a way through that picket line. There is a very fine distinction that is drawn some mornings at 6 o'clock and the officer is feeling a little groggy, he is not happy about being out there in the first place and he is a little bigger than the person who is opposite him or her on the picket line. The shove can be professional or unprofessional, and it is pretty hard to tell the difference.

Some of us, I think, enjoy the privilege in our society of never seeing that side of it. Most of us, as members who are elected, have had at one time or another somebody who has sat in our office and told us that the cops beat him up. I remember the first time that happened to me; I thought, "Isn't that atrocious." But then in the back of my head, the little instinctive ring began and said, "There must be another side to the story and I think I would like to hear that before I decide who is right and who is wrong."

It is kind of political survival in a sense, an instinct that a politician develops after a while, that maybe the first people to tell you the story did not tell you the whole story and it would be a good idea to hear the other side of the story before you make your judgement call on that. I always try to do that.

I am not pretending for a moment that there is an easy solution to this process, but I am trying to point out to the minister that there is an urgency



to do it. I am trying to point out to him that there are some basic principles he has to follow and that they are sadly lacking in this proposal. It is not that this is a wrong proposal, just that it is not exactly the right proposal.

It is conceivable, it is possible that in the process of going through a committee process here—which is not likely to be a very pleasant one, because I am aware, as many members are, that there are people around us right now who have a lot to say about police forces, not very nice things either. There will be police associations, I hope, that come before the committee and give it the other side of the story. It is not going to be easy to sort it out.

At the very best, what the government will come out with is probably something that both sides equally dislike but begrudgingly admit is fair. If it can do that, that will be something. I do not believe this bill does that. I think the government is looking for something that can be applied universally across Ontario. If it cannot do that, it should forget it. If it cannot find some means of doing this that applies across Ontario without some kind of local option kicking in, I frankly think the government would be better off to do nothing, because I think that would aggravate it. If it cannot find a way to avoid the perception that the police are investigating the police, it will fail. That is not going to be an easy task for anybody.

I think it is important for us to do this now simply because we have gone through a series of events in different parts of Ontario that have pointed out that you have to have a mechanism to hear these allegations. Some will argue—I have heard the argument made—that you simply charge the officers and send them off to court. I would be reluctant to accept that as being the right process. I agree that that provides the means of sorting out the facts of a case, as any criminal process would. I agree that that provides the means for both parties to be properly represented, to get proper legal advice, to present their facts and all of that. What is missing in that equation is the rest of us.

Are we prepared to accept a society in which our police officers are charged as criminals? Are we prepared to send them off through the court system with everybody else? I am reluctant to do that. I would like the opportunity to search for a better way to do that. I do not know what the better way is but I think the search must begin.

I think that many of us have lived with the illusion that Ontario, all of it, is much different from, say, the United States, and that there is a

vast difference between Niagara Falls and Buffalo. There is not and we should know that. I regret somewhat that this society in which we live, this city in which we live now, is a little bit different from what it was 20 years ago, but over some matters, I think it is a good thing. On the other side of the coin, in some respects, it is a bad thing. For the most part, many of us live in neighbourhoods that we would think are very peaceful neighbourhoods. If you think that, you should go to your local police station and talk to some officers about how many reports they have had for burglary in that neighbourhood.

Some of that looks a little alarming because it is a little bit deceptive in Ontario to look around and say, "There is no crime here." In part, it is probably media reports. The style of reporting in the United States is a little bit different. If you read the *Toronto Sun*, you will find out how many crimes happened in Philadelphia last night. They have to kind of reach out a little bit to embellish what is going on in Toronto. But it is here and we should know that.

We have a problem with our police forces, which many of us would like to think, and probably do think honestly, are doing the best they can under difficult circumstances. The trick of it here is that this is not just simply a matter of evaluating an officer's performance. This is not just simply a matter of hearing a grievance from members of the community who think that the police force did them wrong in some way. This is in larger measure a question of the relationship between the police force, which tries to enforce the laws we have, and everybody else. I think the effort must be made.

I think the bill currently before us falls far short of that. I do not think the task will be easy, but I think it must be done. I think that we can take whatever time we might pick to address this particular question. Since I have been a member here, a little over 13 years, the government has always been reluctant to do that. I am not pretending for a moment that it will be an easy task, but I do think it is one that must be done.

I wish that the bill before us at the moment gave us a better framework to do that, but it does not. I think there are better ways to begin the process, but however we proceed from this point, what is absolutely crucial to us is that we establish that our police forces are an effective means of enforcing the laws of Canada and of Ontario and that we find the ways to address the grievances of individuals and groups in our society that think something is wrong.



I would caution members, as a final note, that I do not remember a time, in all the conflicts I have been involved in and in the time that I have been a member of the Legislature, when I have seen a group of people in our society storm a police station. I saw that recently. I was immensely grateful that when they did, I did not see police officers out in front of the station with guard dogs and shotguns. I saw plainclothes officers and I think some of their administrative people in Mississauga walk out, talk to them, walk back into the station and close the door.

So I should not be afraid, I guess I am saying here, to attempt to find the solutions now. I should have some confidence that our police officers, the men and women who do that line of work, are able to provide us with some insights, some information on how the process might be better, and that our community activists are not just concerned about their members of our community, but the whole community as a total. I think they are right. I think that without question those, for example, who represent the black community in Toronto have a right to say, "Listen, we would like to see some police officers who are like us, who can talk to us, who understand our culture and whom we can relate to."

That fear of the police officer is something which a lot of people have tried to overcome over the years, but it is not easy. Almost all members of this assembly—who are working with police officers on a regular occasion, who see them regularly in and around the chambers here, who go to public events and sit beside the local chief of police, who are comfortable in that surrounding—should tell me if they are comfortable tonight when a police officer pulls them over. They are not; no one is. It is not possible to be that. Even if it is the nicest police officer one ever met in one's life, the first thing one wants to know is, "Why have I been stopped by an officer of the law?" That is an uncomfortable moment for anybody. If one does not understand the officer's language, that creates a problem. If one thinks the officer does not understand one's culture, that is a problem.

**Hon. Mr. Conway:** Speak for yourself.

1750

**Mr. Breugh:** I know that the member for Renfrew North regularly has been stopped by the Ontario Provincial Police as he tours rather quickly through eastern Ontario. I know how uncomfortable he is when he sees that little notice from the Ministry of Transportation and Commu-

nication about pretty soon having to give up his licence again.

So I think that all of us have some understanding that this one is not easy. If it were easy, the previous government would have taken a shot at it and it was very reluctant. This government would have been off a little faster with it but it is reluctant.

The first admission we should make to the public as a whole is that this is going to be one of the most difficult exercises we ever embarked on, and we would really rather not do it. But the truth is that it has to be done, and the process has to begin now. Whether it will be a quick process or not, I rather doubt it. Whether it will be a successful one or not, I hope it can be. I hope that there are enough community leaders around Ontario who will work with the assembly in trying to resolve this problem. I hope that there are enough police officers around Ontario who will provide us with their perspective on the matter that will make it work.

I know it is awkward. Whenever a police officer is put in a different situation he has some difficulty with it, as all of us would. When police officers take a work action—for example, on a pay dispute—they are very uncomfortable with that situation. I have met them; I have been with them; I know it. It is simply because it is unfamiliar surroundings for them. They do not quite know what the expectations of the public are of them. They do not quite know how to get their point across.

What I am really saying is, that the reason it makes it such a difficult thing to do here, is that this is pretty basic human relationship stuff. This is not a simple matter of, "Put it off to the criminal courts and we can handle that." This is the matter about the people who—and there are not very many in our society—provide them with the equipment that they use. I help to pay for the 12-gauge shotguns there on the front seat of the Durham regional police forces.

I do not have any real hesitation about that. I am a little uncomfortable with seeing the shotgun there; but I know a lot of them, that they are a reasonably well-trained group of people and that they have all the problems that we have. When one gets to work with police officers for awhile, one begins to appreciate some of the stress and strain that they are under. One begins to have some understanding why the divorce rate is pretty high, and why they have substance abuse problems that are a little higher than the rest of the population's. It is not easy. The public's expectations of them are really a lot different



from what they are of members of the assembly. We all have stressful situations in our lives, but there are not many of us who are regularly going into a hockey arena and breaking up a fight. There are not many of us who are expected to run a Reduce Impaired Driving Everywhere program in the cold Canadian winter, stand outside and have a whole lot of people in our community look us in the eye and say: "Why are you stopping me? I didn't do anything."

So it is a difficult task that is before us.

I hope that the assembly is up to it. I regret somewhat that this bill does not give us a better foundation to begin the process, but the process must begin.

**The Deputy Speaker:** Thank you. First, are there any comments or questions? The Solicitor General.

**Hon. Mrs. Smith:** I wish to commend the member for his very excellent speech, which I listened to with great care. I hope his caucus also takes note of it, because I foresee the time in the very close future when we will be asking him to consider, with us, a new Police Act that will take into account all of the concerns he has just expressed, that will be look at methods of complaint, methods of dealing, and that will indeed apply equally to all police forces across the province.

We recognize the need for this. We have been working over the last few weeks and months very closely, not only with the police associations but with all those involved in policing in order to address the very well documented concerns the member has just spoken to.

I wish to assure the member his thoughts are well received here. We look forward to meaningful discussion with members of the opposition, and I hope that, together, we will put together a new Police Act that provides these very needs he has so clearly outlined.

**Mr. Sterling:** It being so close to six o'clock, I think it hardly worth while that I launch into my remarks on Bill 4. I do not expect to be extraordinarily long, but I do expect to be more than three or four minutes.

On motion by Mr. Sterling, the debate was adjourned.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** Just to indicate to the House the business for tomorrow, following routine proceedings, we will proceed with this, the adjourned debate on Bill 4, and as time permits, second reading of Bill 187, An Act to amend Certain Acts as they relate to Police and Sheriffs, and again as time permits, following upon that, second reading of Bill 149, An Act to amend the Trespass to Property Act.

I thought perhaps the member for Carleton was going to adjourn early just to invite us all to his office to celebrate this, the birthday of the great, late Sir John A. Macdonald.

**Mr. Sterling:** In response to that, I invite the government House leader to celebrate not only the birthday of John A. Macdonald but the birthday of the first woman Prime Minister in Canada, my daughter Sarah.

The House adjourned at 5:58 p.m.

## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

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 Sullivan, Barbara (Halton Centre L)  
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 Tatham, Charlie (Oxford L)  
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 garry PC)  
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**Wilson, Hon. Mavis**, Minister without Portfolio  
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**Wong, Hon. Robert C.**, Minister of Energy  
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**Wrye, Hon. William**, Minister of Consumer and  
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## Official Report of Debates

### Legislative Assembly of Ontario

**First Session, 34th Parliament**

Thursday, January 12, 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, January 12, 1989

The House met at 10 a.m.

Prayers.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### LONG-TERM PLANNING

Mr. Adams moved resolution 55:

That, in the opinion of this House, the government of Ontario be commended for such actions as establishing the Premier's Council and the environment council which demonstrate an awareness of the importance of strategic, long-term planning; and that, in keeping with this commitment, and recognizing southern Ontario is experiencing growth as rapid as any in the world, the Premier should establish, at the earliest possible date, a high-profile inquiry similar to the Premier's Council which will provide an overall co-ordinated strategy for growth for the whole province, and that this inquiry should

(a) advise the government of the likely magnitude, alternative forms of, and means of accommodating future growth in the province;

(b) examine the impact of the greater Toronto area's unparalleled urban growth on outlying rural communities in the province;

(c) consider the planning implications of this growth for rapidly growing smaller communities within a 300-kilometre radius of Metro;

(d) recommend appropriate actions to ensure that development is sustainable, environmentally sound, and does not jeopardize the long-term interests of Ontarians; and

That adequate resources be allocated for such an inquiry.

**The Deputy Speaker:** Mr. Adams has moved the resolution standing in his name. The member has up to 20 minutes to make his presentation and may reserve any portion of those 20 minutes for the windup.

**Mr. Adams:** It is the intent of this resolution that the government take the lead in laying the foundations of a broad strategy for sustainable growth for the entire province.

We are in the midst of some of the most dramatic economic and urban growth we have seen. The population of the greater Toronto area

has exploded to 3.7 million people and is growing at a rate of 50,000 people per year. We are talking about a new city almost the size of Peterborough every year. The stresses of such rapid growth are becoming more apparent daily. Stories about these stresses are appearing more often in the media.

But it is clear that growth on this scale is more than a Toronto issue. This growth is having an impact on communities which lie beyond the Metropolitan Toronto area. It affects the entire province. Many counties can expect to grow by up to 20 per cent in the next decade, and those closer to Toronto can expect growth of more than 50 per cent. Cities like Ottawa-Carleton are expanding rapidly. The growth of the greater Toronto area and other urban areas across the province is tremendous.

This burgeoning growth creates economic opportunity, but it places demands on the entire system. Growth creates jobs, but it also requires schools, housing, transportation, health care, social services and waste management facilities. Neither the public nor private sectors can keep pace.

I was pleased by the recent appointment of a deputy minister for the greater Toronto area. The GTA co-ordinating committee is working to maximize the benefits of growth in Metro. But these responses look at only one half of the growth picture. Unless action is taken now to prevent it, there is a danger of creating two Ontarios: Metro and the rest. This is an option that few would support. It would help neither residents of Metro nor those who live elsewhere.

Growth is not simply a Metro issue. Cities like Peterborough, London, Kingston, Windsor and Sudbury stand at crossroads of development. Choices these cities make in their development strategies affect the whole province, including Toronto.

For example, if a community like Peterborough adopts a strategy to become simply a bedroom community, who will benefit? Peterborough? Personally, I do not think so. Metro? I doubt that Metro could handle an additional 25,000 commuters daily, nor should it. Would the places between Peterborough and Toronto benefit? I doubt it. It would not take long for the



remaining agricultural and environmentally significant lands and communities between Peterborough and Toronto to be swallowed up.

Cities like Peterborough could decide to take on other specialized roles. They could become resorts serving exhausted Torontonians or havens for senior citizens. I doubt that either of these specialities would benefit Peterborough, Toronto, tourists or seniors. These are the kinds of choices communities, large and small, are facing. Planning in isolation is a very questionable enterprise. Alternative means of accommodating growth need to be examined from a provincial perspective.

Peterborough's development assets are considerable. The city's good transportation links, its stable and skilled labour supply, its growing cultural community, its post-secondary institutions and its health care and tourist sectors should make it sufficiently resilient to adapt to the sweeping forces of growth and change. Surely we should nurture independent, diverse communities like this.

Rural areas and smaller communities are also facing development options which will significantly shape the future of Ontario. Villages like Millbrook and Cavan and townships like Ennismore and Smith, with their strong agricultural heritage, are changing. At a recent farm auction, I heard one farmer commenting on the teacher who had just bought the property. He said, "Pretty soon, all we'll have out here are PhDs and weeds," and there is a great deal of truth in that.

The proposed inquiry will assist in equipping farmers with information they need to stay in business. It will ensure that our agricultural heritage is not lost in the rush to become what some people think of as world-class. Could there be an enduring world-class community in Canada without a sound agricultural base?

#### 1010

Ontario is changing and it is changing quickly. The daily challenges created by frenetic growth absorb the energies of this House, other levels of government, the private sector and others, to the point where we have no time for planning ahead, for developing a clearer vision for our future.

Yet decisions of today define policy options for tomorrow. All individuals and organizations interested in the future of Ontario need to step back and together develop a broad strategy for real growth that can be sustainable, environmentally sound and promote the long-term interests of all Ontarians.

It is time to ask, as a province, "What kind of Ontario do we want?" Critics of this resolution

might well ask, "What will an inquiry accomplish?" Inquiries need not and should not be passive exercises. Indeed, good inquiries can create significant change by their very process. Inquiries have several phases, each of which creates ripples. There are ripples created by initiating the inquiry as now. There are ripples created as the inquiry conducts investigations, when it seeks public comment, when it reports and when the implementation of its recommendations occurs.

By the time any good inquiry is completed, the creativity of thousands has been involved. A good inquiry can stimulate interest and action across society. I cite as an example the Brundtland World Commission on Environment and Development. Within a very short period, it has brought environmental issues to the forefront around the world. People from all walks of life are considering environmental issues for the first time.

Ideas from that report are percolating among major decision-makers. Its key themes and concepts are entering everyday conversation. Indeed, this resolution is one small ripple of that commission. People from across the province must have the opportunity to shape the Ontario of the future. Without province-wide input, we will get only an incomplete vision of that future.

An example of this is Toronto's current craving for world-class status. Toronto does indeed possess many world-class attributes, but its rate of growth is threatening these very qualities. For Toronto to become a viable world-class city, it is imperative that the implications of its growth be carefully considered in an Ontario-wide context. Without proper forethought, uncontrolled urban sprawl like that of Mexico City is a frightening but real possibility.

The environmental, social, economic and political effects of such a transformation are truly formidable. The world-class city that I prefer is a much smaller urban area. It is part of a widespread net of other substantial urban centres. These centres will be separated by well-defined areas of rural economic activity which will ensure the preservation of important environmental features.

With proper linkages and decentralization of functions, cities such as Peterborough, London, Windsor and Kingston and their surrounding areas can thrive as independent centres to the benefit of the province as a whole, including Metropolitan Toronto. The world-class city of the 21st century must be economically com-



petitive but must also permit an enhanced, sustainable quality of life to its inhabitants.

It can only accomplish these two goals by being part of a network. In fact, it is the network of independent centres which will be world-class, not just the core. There can be no world-class Toronto without a world-class Ontario; hence the need for a province-wide inquiry.

On October 20, 1988, this House passed a resolution by the member for Oxford (Mr. Tatham) calling for an integrated rail transportation system. Our fine GO Transit system plays a vital role in commuting within the Metro area, but it inevitably leads to the filling in of spaces between stops. In a true intercity system the space between cities is seen as being as important as the city at either end of the railway line. An intercity system would foster real centres of excellence in viable regional settings. It is this sort of forward-looking strategy that the proposed inquiry could promote.

Some groups and individuals are already developing strategies for the future in one way or another. They should be commended for doing so. One example is the Premier's Council, which is steering Ontario to the forefront of economic and technological innovation. Its activities have sparked the imagination of business, labour and other leaders.

Another example is the Thomson commission, which produced the Transitions report. Transitions looks at population and other trends and suggests new strategies for delivering social services in coming decades. It triggered a fundamental rethinking of social service delivery. Ripples of this are still affecting our ridings as people meet to discuss the report.

A more local example is a study undertaken by the greater Peterborough economic council, which is examining future growth scenarios for the city and surrounding areas. They have made the effort to think about the kind of community they want. My proposed inquiry will encourage others to do the same.

As we prepare for the next century, we can see that government can no longer be expected to act alone. Planning will require the fullest co-operation of all sectors of the community. The government cannot act alone in this matter of growth but it can act as a catalyst and so harness the creativity of the province. It can show leadership in developing strategies, which ensure the growth is balanced, sustainable and promotes the long-term interests of Ontarians. It is time we all asked, "What kind of Ontario do we want?"

**The Deputy Speaker:** Do other members wish to participate in the debate?

**Mr. Laughren:** I do indeed wish to take part in the debate on the resolution presented by the member for Peterborough (Mr. Adams) on the planning for Ontario's future.

I must say at the outset that while we support the Ontario Round Table on Environment and Economy, which I think is the name that the member for Peterborough meant to refer to in his resolution but did not—I take note of the member's comments on the Brundtland commission as well, which did highlight environmental problems around the world—I think there are some problems with the Premier's round table.

One of its major members I believe is a United States citizen. I do not know whether that is supposed to mean that it is to accommodate the free trade agreement, which this government pretended to be opposed to as it spoke out of both sides of its mouth on that matter. I do not know if that is the reason.

Farm groups are underrepresented on the Premier's Council and, of course, so is the north.

**Mr. Cousens:** Liberals are not, though.

**Mr. Laughren:** Yes, there are lots of Liberals on it. However, despite some of the problems, we supported the round table in principle.

In regard to this particular motion, I am going to strive and struggle in my remarks to take this resolution seriously. The member should know that the purpose of the Premier's Council was, as I recall, to steer Ontario into the forefront of economic leadership and technological innovation. That was the purpose of the round table when it was formed in the Premier's Council.

But when I look at what the Premier's Council has done since it was formed in 1986—by the way, so that everyone understands, it was to spend \$1 billion over 10 years. That was the financial allocation to the round table in the council, and the expenditure of that money was to be steered by the council itself. In 1986-87, out of the first year's allocation of \$100 million a year for 10 years, the council spent \$1.7 million; it did not quite spend it all. It sounds like the allocations of the Minister of Housing (Ms. Hošek) to social housing.

**1020**

In 1987-88, the following year, of \$100 million it spent \$20 million—just a mite short again on its commitment—and in 1988-89, the projected figure, as I understand it, is about \$74 million. Out of the three years, we can see the kind of commitment the government has given to



that council, despite all its fine words. Despite that, I am going to try very hard to take the member's resolution very seriously.

I think we should look at the specific recommendations. If we are going to take the resolution seriously, we should look at the specific recommendations contained therein.

The first one is to establish "a high-profile inquiry similar to the Premier's Council" which should advise the government of the likely magnitude of growth in the province. I suspected all along that the Ministry of Treasury and Economics was not doing anything and did not know what it was doing. What is the Treasurer and Minister of Economics for if not for that? However, I do not want to devalue the worth of the member's resolution. I am going to work at taking this seriously.

The inquiry should also advise the government of alternative forms of growth. Excuse me, I thought that was what the Premier's Council was all about. I do not know whether this is an attempt to undermine the Premier's Council or the Ministry of Treasury and Economics. However, I do not want to devalue the member's resolution.

The inquiry is to "examine the impact of the greater Toronto area's unparalleled urban growth on outlying rural communities in the province." I think we can take a look at the whole question of housing in Metropolitan Toronto if we want to look at the impact of the growth of Toronto on the outlying areas. We have in Toronto, as we speak, 20,000 homeless people and the Minister of Housing is underspending her social housing budget to the tune of over \$90 million in the last two years. Does the government call that a commitment? It is a joke. As for vacant apartments in Toronto, you can find the odd one which rents for over \$1,000 a month.

Instead of looking for alternative forms of growth, why is this government not doing something about the whole problem of public transportation here? I mentioned housing as well, and overcrowded schools in Metro. There are all sorts of things the government could be doing.

Another thing the inquiry would do would be to "consider the planning implications of this growth for rapidly growing smaller communities within a 300-kilometre radius of Metro," which is almost 200 miles from Toronto.

If the member for Peterborough is truly serious—and I hope he is, because I am trying to take his resolution seriously—about growth in areas outside the Metropolitan area, why does he not have a talk with the Minister of Transportation (Mr. Fulton), who to this day will not make a

commitment to four-lane highways to northern Ontario. He will not do it. He will not make a commitment to four-lane Highway 17 in the north or Highway 69 from Waubesa to Sudbury or Highway 11 all the way to North Bay. He will not do it.

To talk about concern for developing growth outside the Golden Horseshoe is to make a ridiculous statement if the government is not going to back it up with some dollars to make sure that the means of developing the outlying areas in the province are possible. However, I do not want to devalue the worth of the member's resolution, because I believe it is well intentioned.

I look at the whole question of economic development in the north. Put aside for a moment the highways that are necessary to get there. What about development within the north? We have been hammering the government over the head for 10 years to build a fertilizer plant in Sudbury, given the phosphates that are there and the acid that is there, the two major ingredients for that, and all it does is commission yet another study; always another study.

We have in Ontario a company in the Sudbury basin which has been digging nickel out and smelting it for not 100 years but more than 50 years in the Sudbury area. To this day they take that nickel out of the ground, the dangerous work; they smelt it, which is the dirty work; and they send it to Norway for refining. Does the government call that encouraging economic growth in other parts of Ontario? There is a new Mining Act coming in which says it is going to be continued. Does the government consider that a serious attempt to decentralize growth in the province?

Never mind. I am going to take this resolution at face value and really try to take it seriously, but I want to tell you, Mr. Speaker, if the members of the government party are going to take a Reagan-like approach to running Ontario and say: "Put a happy face on everything. Ignore the problems all around you and just put a happy face on it. Everything will be all right. After all, it is a minority of people who suffer out there"—this is the only Reaganite Liberal Party in the free world, the only one there is.

Interjection.

**Mr. Laughren:** I respect the comments of the member for Essex-Kent (Mr. McGuigan), but putting a happy face on it is what I am talking about, because I think there is this belief out there that all they have to do is say that everything is



okay and the majority of people will believe it is okay.

**Mr. McGuigan:** That is what the member is addressing.

**Mr. Laughren:** No. What the member is doing is pretending we are going to solve the problem with another study or another council. Well, excuse me, we are going to be councilled to death in the province with no action on the part of the government. That is what is going to happen.

If I were a member of the government I would be offended, first, by the way the member is undermining the Premier's Council by trying to take away its mandate with this high-profile inquiry; and second, by the way he is saying the Ministry of Treasury and Economics is not doing its job in Ontario. I happen to agree that the Ministry of Treasury and Economics is not doing its job, but I really am surprised that the member for Peterborough would stand in his place and condemn his own government's actions in that regard.

**Mr. Cousens:** In responding to this resolution by the member for Peterborough, I would like to agree with the general thrust the honourable member is bringing forward in his resolution with regard to the need for an overall, co-ordinated strategy for the growth of Ontario and specifically the boom taking place in southern Ontario.

I am pleased that he recognizes, as I know we all do in this House, the seriousness of the impact this growth is having on Metropolitan Toronto and the greater Toronto area and the importance of having better co-ordination between Metropolitan Toronto and the surrounding regions. There has to be far more co-operation among all levels. The federal and provincial governments and the regional municipalities and cities really have to work together to solve these problems.

There are concerns affecting all of us in the province as we see the growth taking place in this area. We are seeing problems with the transportation networks. There is just no doubt that the congestion on the highways is getting worse. The public transit system is not meeting the needs of the people within the city and within the neighbouring areas. Air travel is becoming a mess; look at what is happening at Pearson International Airport. The maintenance of roads and highways is becoming a grave concern to everybody.

It begs the question: What is the Minister of Transportation doing? Why have another type of panel or council or advisory board if there are

certain responsibilities which should be followed now by the Minister of Transportation that are going wanting?

What is happening with waste disposal? There is no doubt that we have a serious problem in and around Toronto. In fact, many municipalities in this province are facing the problems of no landfill sites and the need to expand the landfill sites they already have. There has to be some investigation of how we can have recycling made available to all residences all across the province, along with apartment buildings.

### 1030

We know the need to promote the use of more biodegradable products. We also have to have a responsibility to the world need for the environment and, indeed, I recognize that the honourable member has referred to the Brundtland report and the importance of not allowing chlorofluorocarbons and other substances that are destroying the ozone layer.

It begs another question: What is the Minister of the Environment (Mr. Bradley) doing and what is the Ontario Round Table on Environment and Economy doing? Why have another kind of panel or board when these responsibilities, which are important to all of us, are still going wanting?

We look at the need for affordable housing and we see the bureaucratic red tape in getting approvals in the process. We see the rent review fiasco. I look at the excellent work that is being done by our own Housing critic, the member for Nipissing (Mr. Harris). In fact, I see the Minister of Housing on the ropes in the way she is trying to defend what she is not doing; the failure to spend money the way it has been allocated and the failure to respond to the needs.

I have to ask the honourable member from Peterborough, why have another kind of panel or study when the existing Minister of Housing is already failing to do the job she has been given to do?

Municipal planning is a very important function that affects all the growth areas; in fact, every part of this province. Yet that very planning process is being thrown awry by virtue of some of the changes that the province is mandating upon municipalities, taking away their right to do zoning and planning themselves.

The Legislature has had a chance to look at Bill 128. It has been withdrawn; the government is not proceeding with it. Here is an opportunity for the government to do something about planning; yet nothing is happening in that regard. So it begs yet another question: What is the Minister of



Municipal Affairs (Mr. Eakins) doing? Why then, also, have another board to look into it?

We are dealing with quality-of-life issues. I sense that the member for Peterborough understands the importance of having that quality of life. In fact, it would be dreadful if Toronto in any way ceases to be developed and supported and the infrastructure around this city is not maintained so that Toronto can continue to be a world-class city. The member wants to make it a world-class city. I think Toronto is already there and I think that what we have to do is realize that there are responsibilities the province has in helping to make that a continuing possibility.

There are already two councils that the member refers to in his resolution: There is the Premier's Council and there is the environmental round table, and we have to ask whether or not these two bodies are just catchments for Liberals.

I know there are people on those bodies who are not Liberals, but I have to say there are identified Liberals on them, and I cannot identify any Conservatives. There is one token person from the labour groups, but I point out to the House that if we are going to have any appointments to different councils and different bodies, it would be far better if this government would start looking at balancing off the needs of the north, the needs of the south and the different political persuasions of people who can participate in this, rather than just putting in the friends of the Premier (Mr. Peterson) and some of the political supporters of that party.

When we start looking at the recommendations that have already come out of the Premier's Council—also, I have not seen too many reports come from the environmental round table, so that may be why the member for Peterborough does not mention that too much.

The recommendations in this province should really be co-ordinated with the federal government. Let's never forget that we in Ontario are Canadians first and that we want to be working with our federal counterparts and we also want to work with the municipalities. Things that we do here should not be done in isolation of the other levels of government around us.

There are significant recommendations that have come out of the Premier's Council and I support them: the need to revamp education, the need to do more retraining, the need to do strategic procurement processes for business, the need to support technology transfer. These are things that can be happening, yet they are not being done. Maybe by virtue of having them recommended something will begin to happen in

the future. I do not know how far distant into the future, but indeed I know that there is a possibility of something happening.

In regard to the fact that the honourable member for Peterborough is suggesting through his resolution that we have another study group, we already have two of them, and I am wondering just how effective they have been and how much the different ministries that can be involved with the implementation of those recommendations are really taking them seriously.

We already have in the Metro area three different people who are responsible for specific functions that would overlap on this specific subject that is recommended in the resolution. First, we have Gardner Church, who is responsible for the greater Toronto area office. He reports to the Premier. Then we have another office, the greater Toronto co-ordinating committee, headed by Eric Fleming. I think that reports to Gardner Church. Then we have a third little group, again at the deputy minister level, a special adviser to the Premier on the waterfront, headed up by Duncan Allan.

We have three groups already that are doing much of the kind of things that are being suggested in this resolution, and I really have not heard a thing that came from them yet. I have had a chance to ask them questions in estimates and in the Legislature. I find it a mystery that here we are spending hundreds of thousands of dollars already in the support of these functions and these offices and there is just nothing to speak about yet.

Maybe what the honourable member for Peterborough is saying is, "They are not doing the job, so let's find some other way of doing it." That is not the way to solve problems. We in this province already have ministries that are responsible for certain things. We also have special task forces that are already doing what it is next to impossible to find out. There are many questions raised by the honourable member's motion. I am asking the question instead, "Why create another level of bureaucracy?" Let's get on with the job.

The Premier was elected with a mandate to do something on September 10, 1987, and I think it is obvious that there are cracks appearing in the walls.

We are seeing a breakdown taking place in the responses that are coming for people who are asking the Minister of Health (Mrs. Caplan), "What are you doing?" We have that minister failing to respond. The Minister of Housing was on the ropes yesterday, completely frustrated and unable to answer the questions that were being

raised; and the same applies to the Solicitor General (Mrs. Smith).

We are seeing this government trying to deal with the problems of running business and keeping the province strong. Yet here we are saying, "Let's have another study." Maybe by having a study the government can take the tension away from all those who are failing to do the job they should be doing. I point to the Minister of Transportation; I point to the Minister of Housing; I point to the other ministers.

I am saying there is no need for another specific group like this to try to solve the problems. We have the problems, we know what they are, and if this government would take its job seriously it would begin to happen. The member closed his speech by asking, "What kind of Ontario do we want?" We want a good Ontario, and I think there are other ways of getting it done without his suggestion.

**Miss Roberts:** I am pleased to have the opportunity to address the resolution that has been brought forward by the member for Peterborough.

Elgin, the riding which I have the honour to represent, is approximately 190 kilometres from the core or the centre of the greater Toronto area and a mere 10 kilometres from the city of London. Elgin has a strong and meaningful agricultural heritage. The long expanse of the north shore of Lake Erie, which makes up the county of Elgin, enjoys some of the best agricultural lands in the province. This and excellent weather conditions, along with the industry of its inhabitants, have allowed the county to have a prosperous and competitive farming community. This base has also nurtured the city of St. Thomas, the town of Aylmer and smaller villages and hamlets throughout the county.

While the greater Toronto area has been the focus of much of the economic growth, rural communities like Elgin have not always benefited from the boom times in Ontario. The rapidly changing demographics, the explosion of technological innovations at all levels in our society, along with the change in international markets, are transforming the rural way of life and rural communities.

Ontario has many resources. Good agricultural land is one of the greatest resources any province or nation can possess. Without proper planning, uncontrolled urban sprawl can be disastrous. There must be a balance to allow the rural communities to develop and sustain healthy economies in the pressures of a global market.

Relationships between larger metropolitan areas and rural areas should be a partnership: development for mutual benefit and the mutual benefit of all. The greater Toronto area's rapid and unparalleled urban growth has not had only a negative effect or impact on the communities outside its boundaries, nor has it had only a positive effect on the areas within itself. It is imperative that this growth within all areas of the province continue.

#### 1040

I support the resolution of the member for Peterborough requesting an inquiry. This inquiry is into the likely and essential growth of Ontario. The inquiry could take the form of a task force, a commission, an advisory council; any particular shape of the inquiry that is necessary to meet the need.

I enjoyed hearing the comments of the member for Nickel Belt (Mr. Laughren) as well as those of the member for Markham (Mr. Cousens). Their views, their concerns, are very important and add another dimension to the resolution as brought forward by the member for Peterborough. This task force could explore many issues such as the possible magnitude of growth or development in all of Ontario.

I support the member's resolution. I do not necessarily believe everything in it is gospel because I feel it is important that we look at the growth in all of Ontario, not just the area that is within a 300-kilometre radius of Metro.

I think issues this inquiry could consider are the possible and desired form of such growth and development and the possible impact of technological change. There is the change in communications we are already seeing—the changes with electronic mail, computer hookups and telephone conferencing—the rapid rail that has been suggested and used in other areas of the globe; and also the technological change of our industrial machinery, for example the robotics that are being put in various plants throughout Ontario. These changes have a great influence on our growth patterns.

I think one of the important things coming from my riding is the cottage industry that is becoming more and more important. It is allowing people to live and work in smaller communities, in rural communities, and still participate in an excellent industry, in a developing industry, in an industry that allows us to market on a global sphere.

The inquiry could also look into the issue of the requirement and alternatives for transportation. As mentioned by the members from the



third party and from the opposition, housing, open space, environmental quality, commercial-industrial development, agricultural land resource preservation, servicing industries, energy supply—all those things could be looked into by this particular inquiry.

There is another thing this inquiry could review, and that is the provincial, regional and municipal governments and other structures that can best manage this growth and development.

I like the point brought forward by my friends in the opposition in the sense of co-operation, and I think the tone of the resolution put forward by the member for Peterborough is in the sense of co-operation. There is no question there are other structures in place to address the issues in a separate manner, but there is not a structure in place that will have an overall scope, an overall understanding, an overall development for the growth of Ontario.

One of the most important things I see about this particular inquiry is that it will give the people of Ontario, the different interest groups of Ontario and also various sectors of Ontario—business, industrial, commercial, education—a chance to have input into the economic growth and into the pattern of growth for Ontario. It is important that we examine this growth and make sure the growth is sustainable growth, sustainable development and that it is sound for Ontario.

Among the major groups I would hope to hear from would be the groups that have been looking after planning and development of planning in Ontario for a long period of time, the municipal councils and the municipalities.

My reason for supporting this motion is that it sets out its purpose as having a meaningful initiative that will look into growth on an overall basis for Ontario. Although I disagree with the 300-kilometre radius, I support the motion in principle.

I think the environmentally sound development of Ontario is becoming more and more important. We have not always addressed it in the appropriate manner as a province. Any government, whether it is provincial, federal or municipal, should take a lead role in developing a comprehensive policy and should look at a comprehensive way of managing its growth.

I may not have the same vision as my friend the member for Peterborough with respect to smaller communities linked by fast rail or anything like that. I may not have that—

**Hon. Mr. Mancini:** It's pretty slow rail.

**Miss Roberts:** Well, as I have indicated on many occasions, I come from an excellent area, a

very small hamlet. I live outside it. The last public transportation that came out of that village was a stagecoach. I do not expect I am going to have any better public transportation in the near future. I do not think we want it either, thank you very much.

In conclusion, what I would like to do is support the resolution put forward by the honourable member for Peterborough and ask for the support of the other members of the House for this particular inquiry so that we as a province, and as individual members and sectors of that province, can develop an environmentally sound policy for growth in Ontario.

**Mr. Morin-Strom:** I am a bit disturbed by the resolution that has been presented to us today by the member of the Liberal back bench on behalf of his party, a resolution that has the intent solely of commending the government on the actions it is taking and continuing with the government's practice of commissioning study after study and inquiry after inquiry, rather than actually doing something about the problems we face in this province.

When it comes to economic development, this resolution again illustrates where the government's priority is in Ontario, and that is on the metropolitan area around the city of Toronto. This government has put its priorities, since it has been elected, on Metropolitan Toronto and it has funnelled as much money as it can into that area.

This government refuses to look at the fact that we have two economies in this province. There is a strained, booming economy that is creating real hardship for people in Metro because of the cost of housing, with strains on families that do not have schools they can go to in Metro because the government have not provided the facilities for them. It is an economy that is encouraging people around the province to move to Toronto and the adjacent areas around Toronto because that is where the jobs are, while we have much higher levels of unemployment in other areas of the province.

As a whole, of course, our unemployment levels have gone down in recent years, but there is still a serious problem in areas such as rural Ontario, and in particular in northern Ontario, where young people cannot find jobs in the areas they are trained, skilled or educated to work in. They are finding they cannot find the employment opportunities there. There is a migration out of rural Ontario and there is a migration of young people out of northern Ontario, desperately trying to find jobs and facing astronomical



costs of living down here in Metropolitan Toronto.

1050

Here we have a government that continues to want to build on the growth of Metro Toronto and expand that growth. This government instead should take its responsibilities for balancing the economy of this province and should take the initiative to see that where the government can influence economic development, that development occurs in areas where there are people willing, able and trained to work, and to do productive enterprise for the province and for themselves, their families and their communities.

They should have the right and the ability to be able to do that in their home communities and not have to come down into this growing area adjacent to the city of Toronto that is strained in terms of accommodation and is a serious problem facing the whole province.

The suggestion that we should have another council to study this problem is another example of the Liberal solution to every problem, and that is to name a new task force, a new council to look at every problem that comes along rather than do something about it. The supreme example of this in terms of the economic realm is the Premier's Council. The Premier's Council was formed three years ago in 1986. What has the Premier's Council accomplished?

It has produced, to this point, two studies. These studies in fact do give some direction for what the government should be doing. Instead of doing something about it and listening to the recommendations the government is receiving from the people it has commissioned to do studies, its suggestion is: "No, we need more studies. We need to form more commissions. We need to form more task forces to give us more recommendations rather than act on the results of these recommendations."

The Premier's Council study does have some valuable information in it. It does emphasize the need to develop a more highly skilled workforce and to expand production of manufactured goods into more highly valued products that can support a more skilled workforce and more jobs in terms of manufacturing.

Much of the study talks not just about the high-tech future the Premier likes to talk about, but also the fact that most of the jobs in this province are based on manufacturing in basic industries, in industries that take our resource wealth and produce products out of that wealth. We could be doing so much more in terms of

producing finished goods, rather than having to import those consumer goods that are coming into the province and exporting more and more raw materials and commodity goods.

What has happened in terms of the hundreds of millions of dollars that have been committed to development of technology in this province is that again the funds that were put into the technology fund are being put primarily into Metro Toronto. The universities that are being supported, the major research projects that are being supported, the major industries that are being supported are not those that are located in the communities that need growth. The funds are going into the major centres in southern Ontario, predominantly those around the city of Toronto in the Golden Horseshoe.

Instead of developing and working on the strengths, abilities and industries that exist in the more far-flung areas of this province, in northern Ontario, some areas of rural southern Ontario, southwestern Ontario and eastern Ontario, this province continues to ignore those areas and puts all its eggs in the Toronto basket. This government is going to come to regret that action in the next few years, as we head into the next election.

I ask that this resolution be soundly defeated, as it is certainly not in the interests of the province as a whole.

**The Acting Speaker (Mr. M. C. Ray):** The time remaining permits only the member for Peterborough to wrap up the debate.

**Mr. Adams:** I must begin by saying I am very concerned about suggestions that this resolution of mine might be some manoeuvre by the government itself or might be some creature of the Liberal Party. I do not know how the New Democratic Party organizes itself, but on this side of the House, private members like myself are entitled to express their own opinions and they are encouraged to do so. When I have an opinion to express, it is listened to equally with those of all other members of my caucus. I know this is not the case in the opposition parties. This is a private member's initiative of which I am proud.

Also, with regard to some of the remarks that have been made by the opposition parties, I have to say they all recognized with their words that we are faced by problems, that growth in all parts of the province is a vital problem today.

Unlike them, I prefer to take a positive attitude to those problems. I like to take a positive attitude and to try to solve them as creatively as we possibly can. Also, in my approaches to those problems, I believe in involving the public. This



is not something the government should do on its own, that we in this House should do on our own. This is something in which we should involve the entire public so we know what the people want in order that we can develop a better Ontario.

I want to thank all those members who spoke in favour of my resolution. This is the sort of proposal that has brought together members from across the province, urban and rural. I particularly want to thank the member for Elgin (Miss Roberts) for her representation on behalf of a rural area. It was eloquently put. I also would like to thank the member for York North (Mr. Beer) and the member for St. Andrew-St. Patrick (Mr. Kanter) who were sitting here in the wings waiting to make contributions on behalf of their ridings, a riding on the boundaries of Metro and a riding in downtown Metro.

The issue of sustainable growth is not only a Toronto issue, nor is it exclusively a rural issue. Members from northern Ontario, even the member for Nickel Belt and the member for Sault Ste. Marie (Mr. Morin-Strom), can also see that they are being affected by the boom in the greater Toronto area.

The current boom presents an opportunity for us all to ask the question, what kind of Ontario do we want? I would like to come back to some of the key points. The proposal supports growth, but we want to make sure that growth is balanced, sustainable and environmentally sound. The proposal supports actions of groups such as the Premier's Council, the Ontario Round Table on Environment and Economy and any others who are preparing long-term strategies for the province. This proposal supports the efforts of the Greater Toronto Co-ordinating Committee in dealing with the daily challenges associated with such growth.

A carefully designed inquiry, as I said, could stimulate interest in a broad range of related issues. For example, the sorts of challenge growth creates clearly extend beyond the scope of any one ministry. Development proposals often fall under the jurisdiction of ministries such as Municipal Affairs, Education, Housing, Environment, Agriculture and Food and more. The inquiry I envisage might encourage further interministerial co-operation and some form of horizontal decision-making. The possibilities are there and they should be explored. I hope that the member for Markham is listening to this.

The purpose of the proposed inquiry is to mobilize human ingenuity, energy and commitment to a particular issue. Ontario's people are our most valuable resource. We should tap that

resource and encourage it to focus on the fundamental question of growth.

The purpose of the inquiry is to encourage people in this chamber, in this city and across the province to think about the kind of Ontario they want, the kind of Ontario their children should inherit.

#### 1100

I confess my interest in this resolution is personal to the extent that Peterborough is one of the ridings poised on a threshold in its development. We can nurture places like it as independent centres or we can see them deteriorate into specialty service roles, as appendages of formless and ultimately inefficient urban sprawl.

I sincerely ask that members believe that my motives in proposing this resolution relate equally or more to my concern for the whole province, rural and urban, north and south, and Metro. All of Ontario is at an economic crossroads. Consciously or otherwise, we are going to choose our route for the future. I want us to make this choice consciously, using the best available information and harnessing all of the talent at our disposal.

Let's step back and ask ourselves, what sort of Ontario do we really want? I ask all members to support this resolution.

#### LIMITATIONS AMENDMENT ACT

Mr. D. R. Cooke moved second reading of Bill 198, An Act to amend the Limitations Act.

**The Acting Speaker (Mr. M. C. Ray):** The member is reminded that he has up to 20 minutes for his presentation and may reserve any portion thereof for his wrapup.

**Mr. D. R. Cooke:** I will reserve approximately three minutes, I believe, for my wrapup.

I would like to start by indicating that in the gallery this morning are Lynn Allen of Family Transition Place, Dufferin, and Susan Yzerman of the Survivors and Supporters Against Sexual Abuse. I appreciate their coming here in support of this resolution this morning.

I also appreciate the work that has been done on it by my former special assistant, Matt Certosimo, my legislative intern, Ashley McCall, and my legislative assistant, Pat Rutter.

It should not hurt to be a child, and the purpose of Bill 198 is to make the limitation period under civil law more just for victims of sexual assault and incest and to ensure that the dynamics of sexual assault and incest, which often make it impossible for a victim to proceed with a court action for an undetermined period of time, are reflected in the statute of limitations.



I can indicate that this bill was initiated in response to the case of Karen Marciano, a case that was heard in my riding a little over a year ago. Perhaps I can give a little bit of her background, but I should make it clear that Miss Marciano is not unique in this province. I have discovered since then that there are many, many hundreds of cases, if not thousands, that are very similar.

Miss Marciano was sexually abused by her father between the ages of eight and 16. She left home as a teenager and got married, which is not unusual, and raised three children. In her 20s, she separated from her husband and became a single-parent mother and began to grasp the fact that she was having trouble relating emotionally to her own children and to men. She underwent therapy and traced her problem to the incest she had experienced in her childhood.

She confronted both her parents. Both of them, as she expected, denied the incidents. She consulted with a crown attorney. The issue of reasonable doubt, which of course is the standard for a criminal prosecution, was such, in view of the fact the evidence was basically her word against her parents, that she was advised against a criminal proceeding, so she brought civil proceedings against her father. A jury deliberated on the facts, having heard from both herself and her father, and found her father liable and awarded her \$50,000 in pain and suffering and punitive damages.

Subsequent to the jury decision, the trial judge, Mr. Justice Maloney, found he had to dismiss the case based on a motion that was raised at the opening of the case that the limitation period had expired, in that she had waited more than four years past her 18th birthday before commencing the lawsuit.

The Limitations Act with regard to assault was passed by this Legislature in 1897, and I am not aware that we have looked at it since that time. The application of this law ignored the fact that Miss Marciano, along with so many incest victims, had not been capable of initiating a lawsuit within those four years as a result of the abuse itself. She and the Kitchener-based support group, Survivors and Supporters Against Sexual Abuse, came to me for help and the result has been this bill.

I have discovered the statistics show that what happened to Karen Marciano in her childhood is far from an isolated experience. Incest and child sexual abuse were once considered a rare phenomenon documented to occur at a rate of only once in a million children, but a dramatic

increase in the reporting of child sexual assault and the extensive scientific research this has sparked has led to the recognition that child sexual abuse is a widespread and pervasive problem in our society.

According to the Ontario child abuse register, 1,345 cases of sexual abuse involving children under the age of 16 were reported in 1987. But reported cases represent just a fraction of the incidents that occur. A recent report in the Canadian Medical Association Journal, which has been utilized by Rix Rogers, a special adviser on child abuse to the federal Minister of Health, Mr. Epp, reports, "An estimated 25 per cent of women and 10 per cent of men were sexually abused at least once before the age of 16." I am not certain that is a very solid statistic. I have seen other statistics from the United States that put the figure at a little less than that, in the area of around 16 per cent. But if this figure is accurate, it means that in fact millions of the adult population of Canada have suffered some sort of sexual abuse.

The Badgley report, a federal government study established in 1984, indicated further shocking statistics on child abuse. I think these statistics can be counted on because they are looking at particular instances. Four in five of all unwanted sexual acts are first committed against people when they are children. Virtually all assailants are male. One in 100 is female. Over two in five of all sexual assault homicides are committed against children aged 15 or younger. About one in four assailants is a family member or a person in a position of trust. About half are friends and acquaintances and about one in six is a stranger. Thus, the pressure for a suit can linger for years.

Sexual abuse not only has tragic impact on its victims but exacts real costs on society. Mr. Rogers discovered that approximately 80 per cent of young offenders and emotionally disturbed children in residential care had been sexually abused. I invite members to just think about the estimate we can make of the cost to society—in the millions, I am sure, is what it is costing us per year to support these young people through welfare, police, court, medical and correctional systems.

This bill could go a long way in helping victims of sexual abuse and sexual assault who choose to take their cases to court. I am not suggesting that the majority of them will, but the option should be there. Bringing a case to criminal court, where there are no limitation periods, has always been an option open, but it is



very hard to obtain a conviction, just as it was in Miss Marciano's case. Sexual assault is not usually a crime committed with witnesses present, nor is it a crime a defendant is likely to confess to, and therefore it is very difficult to prove it beyond a reasonable doubt.

**1110**

Many victims of sexual abuse and assault turn to civil law to seek justice, but they are blocked by a limitation period that is clearly too brief considering the dynamics of child sexual abuse. Psychologists have documented the delay in victims' ability in bringing forward a case as caused by the abuse itself. They call this child sexual abuse accommodation syndrome. It produces dysfunctional behaviours, including a repression of the incidents by the victim, the victims blaming themselves for the incidents and not holding the perpetrators responsible, and the victims experiencing a deeply rooted sense of hopelessness and powerlessness, making it difficult for them to conceptualize taking action against the offender.

As family violence consultant Barbara Pressman makes clear, the psychological impact of child sexual abuse can be extremely far-reaching. The evidence is that it is so destructive that even after 10 years of therapy, even after recall and awareness of the impact of the abuse, the woman may be unready to lay charges. She is fearful that she is a perpetrator.

Even more convincing are the words of a survivor of child sexual abuse:

"I have always felt so guilty about what occurred between myself and my father. I always felt I caused it. It was a dirty secret I must keep to myself. Dad taught me both verbally and physically that I was of no value. I had no sense of self-worth.

"I got married. I put my past behind me. We had a daughter. Just before her eighth birthday, I started having nightmares about my father. I felt confused, frightened and totally unsettled all the time. The memories came flooding into my mind. I was having a hard time functioning day to day. I was almost 30 years old. Up till this time, I thought of it as something I had participated in and therefore I was guilty.

"My father stole my innocence, my sense of security, my childhood, my sense of family, my sense of self-worth. The incest overshadows my ability to parent, my relationship with my husband, how I relate to people in general, my ability to make decisions and, most of all, how I feel about myself."

In this amendment to the Limitations Act, the limitation period is set to the later of two periods: "Twenty years after the cause of action arose," or, "Ten years after the time the person bringing the action discovers that the injury was caused by the sexual abuse or sexual assault and the injury no longer renders the person unable to bring an action."

This is an innovation in legislation, as far as I can determine, anywhere in the world. It takes a doctrine of delayed discovery, which has been utilized to some extent by courts in contracts and in matters of this nature in some American states, and widens it to permit the victim to come to full grips, I believe, with the problem and to make a decision before the limitation period starts to run.

These limitation periods have been chosen taking into account the opinions of the survivors of sexual abuse, those who work with them and legal experts. Quite frankly, the reason I have left a limitation period in at all is out of deference to the Canadian Bar Association, but we may wish to consider whether sexual assault even needs a limitation period. The fact that the Limitations Act was enacted in 1897 when crimes of incest and sexual abuse were almost certainly not considered by this Legislature underlines the necessity of bringing a bill up to date to reflect reality.

As mentioned before, the reason many women do not bring cases to court within the time frame set out by the Limitations Act is a direct result of the wrongdoing of the abuser and of the abuser's active miseducation and silencing. Three out of five sexually abused children have been threatened or physically coerced by their assailants. The victim's blameless ignorance of her incest-related injuries is likely to continue for the longest time when the damage to her character inflicted by the abuse is most severe.

Therefore, the mature incest plaintiff is often the most deserving of compensation. If action through the courts is no longer available to a victim who has taken many years to discover the impact of sexual assault, this effectively denies justice to those deserving plaintiffs.

It also raises the question of equality rights and equal benefits under the Charter of Rights and Freedoms. Narrow limitation periods do not offer equal benefit of the law to those who have been disadvantaged by reason of age or sex from bringing an action. The consequences of this are summed up in the words of one incest survivor now in her 30s who said, "If I wanted to hold my father responsible by suing him, that option is not open to me. Laws should be open and accessible



to all. This one is not open to incest victims by virtue of the statute of limitations."

Support for this bill has been widespread. Survivors and Supporters Against Sexual Abuse collected almost 4,000 names on a petition supporting the cause. Frankly, when they informed me they were going to start taking up petitions, I did not ever conceive that they would be able to go into shopping centres and door to door and actually get this kind of volume of signatures on an issue of this nature.

Since the final draft of this bill was released, I have received numerous letters from groups all across the province endorsing the bill wholeheartedly. These groups include the Institute for the Prevention of Child Abuse; the National Association of Women and the Law; the Ojibway Family Resource Centre in North Bay; the Muskoka Women's Advisory Group; the United Church Women, Hamilton Conference and Waterloo Presbyterial; the United Church of Canada per se; Survival through Friendship House of Huron County; the Territorial Headquarters of Canada and Bermuda of the Salvation Army; the Family Transition Place (Dufferin) in Orangeville; the Nova Vita Women's Shelter in Brantford; the Mattawa Family Resource Centre; the Rosewood Shelter for Women and their Children in Midland, and the Haldimand-Norfolk Women's Shelter.

This bill will make a difference to a great many people's lives. For incest survivors, a successful court case against their abusers brings so much more than simply the money received for damages. For many child victims of sexual abuse, being able to speak publicly about what has happened to them in their youth is a form of therapy. A successful conclusion to a court case would help a survivor to deal with her past and to recognize that these events are indeed in the past.

A public recognition of the fact that the abuser is wrong and the victim has been wronged, and the laying of blame where it should be, can help release a victim from feelings of guilt and worthlessness and allow her to lead a more happy and productive life. It may also stop others from falling victim to the same crime. By allowing survivors who have finally come to be able to do so to talk publicly about what they have suffered, awareness of the issue will be raised.

By passing this bill, the Legislature will show its abhorrence for the crime of sexual assault and its support for those victims who have suffered from it.

**Mr. Hampton:** I am very pleased to be able to support the honourable member today with

respect to Bill 198, An Act to amend the Limitations Act. I want to commend the member for bringing it forward. Having dealt with a number of private members' bills in the last year and a half, I think I can honestly say this is one of the bills that is most worth while. It has had a lot of work done on it already and it has received a lot of support from many different community groups. I think it speaks to a real need in our society.

I commend the member. I think he has done some excellent work. As I say, I am pleased to be able to speak in favour of the bill. One of my colleagues, for sure, will also be speaking in favour of the bill. I know several others wanted to be able to speak. However, time limitations being as they are, only one or two of us will likely get on.

#### 1120

I have a background in some of the professional areas or professional activities that have to confront sexual abuse and sexual abuse of children. My first vocation was as a teacher. I became a teacher at just about the time when people in the social services field and people in the education field started becoming more aware themselves of sexual abuse.

I remember the first workshop I went to as a teacher. We had a child care worker come in and speak to us, I think it was for a whole day, on the issue of sexual abuse and also on our responsibilities under the law in terms of being sensitive to children and looking for indications that sexual abuse might be occurring, either in the home or in some other social milieu that the child was in, and our requirement under the law to report any suspicion that we had or any reasons that we had to suspect that child sexual abuse might be occurring.

That weighed very heavily on me because in the few years I was a teacher, I am sad to say that in the schools where I taught we did encounter situations where children were being sexually abused. I suspect now in retrospect that the abuse that was going on was much more prevalent than we were able to observe or than we suspected or were able to do anything about.

My second experience in this area was as a private practice solicitor. For a couple of years, I acted for the local children's aid society. In a couple of cases, I represented the children's aid society in child welfare cases where the children had been apprehended from the home and in a couple of cases, sadly, from their parents. The issues in a couple of these cases were suspected child abuse.



Again, from having spoken with a number of child care workers and from having worked with a number of children's aid and family services workers, I can confirm what has been said by the honourable member in the presentation of his bill; that is, even today, with our greater sensitivity to sexual abuse of young persons, we are still not able to detect and deal with the vast majority of these cases.

I think it is fair to say we are more aware now that these things happen. We are more aware of them, but I still think that our capacity to deal with them, to prevent them, to know that they are happening and then react very quickly is still not as it should be. I think it is fair to say that even today, with our greater awareness, there is a great deal of sexual abuse of young persons that is occurring and we are unknowledgeable of it.

I suppose one of the reasons we are unknowledgeable of it is that in many cases it takes place in social situations where there is a great deal of confidence or where there is a great deal of privacy. It is very sad, but too often the sexual abuse of young persons does involve parents or relatives or close friends.

We know these things from the news media. I can think of just three or four examples that have happened within the last two years. I think many of us probably marked with some horror the report from a British Columbia court of the principal of a school who had been convicted of, I think it was, something like more than 23 incidents of abuse of children who were in the principal's care and control when he was the principal of a various number of schools. In the Ottawa area there have been, I think, two or three cases within the last three or four years, and recently there were convictions obtained in St. John's, Newfoundland, I believe—all in situations of trust, confidence and privacy.

Our inability to deal now with what may be happening out there necessarily means that the limitation periods are brought into question. I think the limitation period, as the honourable member has quite rightly pointed out, is the central issue when we are dealing with sexual abuse cases.

In legal theory, I think it is fair to say that the limitation period exists for a very good reason: to ensure that someone who may have committed a wrong or who might be accused of having committed a wrong in terms of whatever kind of nature—in this case we are dealing with a physical assault—does not have to be concerned about the possible allegation of that offence for ever.

But I think it is fair to say we have a justice system that says you are not judged to be guilty until you have had a meaningful process of law, and that you should be held out there for ever as an accused is something that many of us I do not think could live with and it is something that I do not think would be conducive to a very orderly society or a society that would function very well.

There is a good reason for limitation periods, but as we look through the Limitations Act, you can see how limitation periods have been tailored to specific kinds of incidents. There are limitation periods for auto accidents, for actions dealing with land and property, for contracts and for physical assaults. In other words, the limitation periods that are provided for in the Limitations Act are already tailored very much to different kinds of incidents and different kinds of activities.

I think what we have discussed here today and what we have tried to point out is that sexual abuse of young persons is in itself a unique and very different kind of incident in a legal, psychological and social sense. It is very hard to detect in terms of its impacts and therefore is deserving of special consideration in terms of when a limitation period ought to take effect.

I want briefly to make a few comments about how the bill has been drafted. I may not agree in the legal sense that the way the bill has been drafted would be legally effective in terms of efficacy, proof or the availability of evidence, but I think in general terms the concept that is illustrated here is a good one. In the final analysis we may want to look at a shorter period, we may want to look at changing the language somewhat; but in principle I support the member and I commend him for bringing this bill forward.

**Mr. Jackson:** I rise today to participate in the debate concerning private member's Bill 198. I say at the outset that I have long been in support of the amendments which have been put forth by the member for Kitchener (Mr. D. R. Cooke), and I congratulate him for his recent efforts on behalf of victims of the crime of sexual assault in this province.

Indeed, I actually share a sense of sympathy with him in his experience of frustration, having to bring these amendments to the Limitations Act before the House as a private member without the stated and full support of his government. As some members of this House may recall, I had a private member's bill before the House on June 9 which dealt partly with the point of the amendments of the member for Kitchener. Unfortunately—



ly, it did not find the support of a single Liberal member of the House at that time.

1130

However, as my bill suggested that the matters of the attitude of the courts and legal institutions with respect to the crime of sexual assault be referred to the standing committee on social development for discussion and open public hearings, I suspect that at day's end, should this bill pass—and I hope it will—it too will be referred to the social development committee and public input will occur.

I too would like to stand in my place and commend Miss Marciano for her courage and for the thoughtfulness in her approach, because it is apparent that she has the touch, the heart and the conscience of the member for Kitchener. I wish to provide my full support for the fact that she has done that and that he has responded with this bill.

Quite frankly, it was my hope, with my bill, that Miss Marciano would have had the opportunity to touch the hearts of all members of this House. Perhaps, when this bill is referred to the social development committee, that opportunity will occur, and I am sure Miss Marciano would be more than pleased to come to talk to other legislators.

These amendments extend the allotted amount of time during which victims of sexual assault will be able to bring action against those who have perpetrated the crimes against them. They represent an important step in the overall direction in which I believe legislation in Ontario should be turning with respect to the treatment of the victims of crime.

I have stood in this House on several previous occasions to call the attention of all members to what can only be called a serious imbalance of attitude on the part of our social, legal, and yes even our legislative institutions, in dealing with criminals and in their dealings with victims.

This imbalance is often weighed in favour of the criminal as numerous mechanisms are in place, all at the courtesy of Ontario taxpayers, to help the offenders and not the victims. And yet, in all this seemingly enlightened activity on behalf of the criminal, our society appears to have forgotten the victims whom criminals leave behind as they themselves go on to press for their civil liberties.

It is our society which appears to have taken down its psychological textbooks to help the criminal but seems to reshelve them at the precise moment when it should try to consider the inner and outer scars borne by those whose own

psychological nightmare could only just be beginning.

I do not believe that this evident neglect of victims of crime is simply an oversight which can easily be corrected by a few cosmetic solutions here and there to our justice system. I believe that our legal system is flawed in this respect and this flaw has to do with socially rooted attitudes. I believe that our systems tend to view the criminal act from the perspective of the criminal rather than of the victim.

It is time to move away from notions of society defined in terms of faceless crowds towards a notion of human personalities and lives which have been damaged and otherwise negatively influenced by the criminal act and whose unending experience of pain as a result of that act is a situation of continuing crime, of crime that has been extended in terms of its effect into the future and which needs to be addressed because it is in the future.

In the final analysis, I believe that we need to begin to view the criminal act from the perspective, clearly, of the victim. Happily, the proposed amendments which we are considering today go a long way to addressing the situation of the continuing crime as experienced by victims of sexual assault and they do this precisely from the victim's perspective and I commend the member for his understanding of that.

By extending the legal time frames within which victims of sexual assault may bring action against those who have perpetrated the crimes, this legislation is acknowledging the countless social and psychological effects, the virtual daily hell that victims of sexual assault, especially of incestuous abuse and molestation, must live through as a result of their being victimized, and which effects have a most significant impact on their being able to bring both criminal and civil actions against their assailants.

By providing a broader time frame for the victims of sexual assault, this legislation is in essence allowing the victim a period which varies from individual to individual, during which some inner healing and emotional as well as spiritual rejuvenation may be brought to bear on the victims' lives, thus enabling them to proceed to the often therapeutic, however painful, process of fighting back.

The victim of sexual assault experiences not only inner turmoil at being physically violated but also the much more subtle and dangerous punishment of guilt. In cases of incestuous molestation, it is not uncommon for victims to suffer from the guilt that somehow they and not



the perpetrator are to blame, that somehow bringing the incident of sexual abuse by a parent, for example, to the attention of others is a breach of the familial relationship which is seen as off limits to everyone save those within it.

Parents and other relatives cannot be allowed, of course, to abuse their singular position of authority with the family. We are reminded of St. Paul's commandment to all parents not to provoke their children to anger.

The victim of sexual assault needs support from the society from which he or she feels estranged as a result of feeling that taboos have been broken. Victims need to feel good about themselves again and to feel in control of their life situations. Such control, such psychologically necessary experience of personal power over the direction of one's life is an all-important ingredient of the general process of healing for the victim of sexual assault who has had it suddenly taken away from him or her.

The ability to undertake action against the criminal at such a time when sufficient inner healing has occurred for the victim is also part of the same process, as it constitutes an exercise in the experience of personal power and the re-establishment of control over one's life.

Also, the proposed 10-year time frame allotted to victims of sexual assault who discover previously unacknowledged inner wounds which are derived from their experience of assault takes into account the subtlety as well as the depth of the personal, psychological damage which is inflicted at the time of assault.

The human psyche is still a vast and largely unexplored mystery to us. Despite Freud and Jung, we as legislators need to fight the temptation to want to neatly categorize and compartmentalize human behaviour as we do our budgetary allocations.

This proposal at least gives tacit recognition to the fact that victims of sexual assault are subject to the broadest possible range of emotional side-effects as a result of their pain, which may or may not surface or be otherwise made apparent in connection with their experience of assault for several years.

In conclusion, I reiterate my support for these amendments. I also affirm my belief that these amendments are only a small beginning, however significant, for victims of sexual assault along the path which should see an overhauling of our institutional attitudes towards the victims of crime.

I know these amendments will go far towards helping those who wish to help themselves as

they slowly rise from the abyss of despair into which their experience of assault has plunged them.

It is because of the policy of viewing crime from the perspective of the victim that I support these amendments now, and it is to this policy that I dedicate my efforts as a legislator in the future.

**1140**

**Mrs. Sullivan:** I am pleased to be able to speak to Bill 198 today and to have an opportunity to support my colleague the member for Kitchener on his initiative in bringing the bill forward. As well, I would like to applaud those on all sides of the House who have spoken in concert with the intent of the bill.

The first question that comes to my mind in dealing with this bill is, why has it taken us so long? We are, after all, amending legislation that was established almost a century ago, in 1897.

Many members will know that I have personal problems in defining issues as solely women's issues. For the most part, I see a common community thrust, but I can tell members, having talked to many broken women who are trying to recover from the trauma that they still bear from incestuous assault and other kinds of sexual assault in their childhood, this is very definitely a woman's issue.

In the overwhelming majority of cases, the perpetrators of incest are male and the victims are female. Society must place responsibility for this crime squarely on the shoulders of the perpetrators. The damaging effects of incestuous assault is an important social problem. Yet, in spite of the dramatic increase in reported cases of incest, it continues to be one of the most unreported and underreported forms of abuse of children.

Incestuous assault is being defined as any manual, oral or genital sexual contact or other explicit sexual behaviour that an adult family member imposes on a child who is unable to alter or understand the adult's behaviour because of his or her powerlessness in the family and early stages of psychological development.

You do not have to be a psychologist or a social worker to realize that it takes a long time for victims of incest to recover from psychological and emotional damage. Victims of this kind of sexual abuse are broken people and the healing period usually does not begin until most are adults, when they are old enough or can understand enough to realize it was not their fault.

Unlike nonsexual assault, where both the act and the resulting damages are usually apparent at

the time, where incestuous sexual assault occurs, victims frequently do not acknowledge the wrongful act nor seek redress for their damages for a considerable time after the acts are committed on them.

I have met several incest victims who have spoken to me in a forthright manner. These people come from my constituency and they have talked about their difficult time of recovery. One woman who talked to me spoke of her own troubling experience and said:

"You know, at the time it felt good to me. I thought it was love and that it happened to everyone. Then I discovered that it did not and things were very wrong in our family. I thought it had to be because I made it happen, but I still could not talk about it."

For most other victims I have met, the physical pain and degradation they experienced as children are expressions of a cruelty that I have difficulty bringing into any kind of personal imagining. From shame or guilt or fear those who have suffered cannot speak of their horror, and when they do, it is much later.

There are reasons for that. Children are typically dependent on adults. They are not free legally or psychologically to give or refuse permission for access to their sexuality. They cannot know the consequences in later life of a childhood sexual encounter. Intense suffering and sometimes long-term social effects result from it.

Incest victims experience significant and unique damages flowing from this form of sexual assault, including severe emotional and social disabilities that last into adulthood. Victims develop psychological blocks such as repression, denial, guilt or dissociation as coping mechanisms.

Some of the psychological injuries resulting from incest remain latent for many years. It is often only after victims are well into adulthood that they begin to appreciate that they are indeed victims of a criminal act and that they have suffered severe damages which, in a just society, demand redress.

Incest victims often experience a sense of powerlessness, a loss of self-esteem, a loss of confidence in those who should be in a position of trust. They also bear the fear of disclosure based on threats or implications for family, employment and other relationships. It is for all these reasons that there may be lengthy delays in bringing a civil action against the perpetrator. Unlike breaches of contract or other torts, the

delay in bringing an action is the direct result of the wrongdoing of the abuser.

The opportunity to seek compensation for these damages through civil action is an important mechanism for securing access to justice. As well, setting things right is important in securing the physical and mental security of the person for the victims. It is also a crucial means of addressing this exploitation of children and women.

The private member's bill of the member for Kitchener will change the Limitations Act to take into account the legitimate needs of victims of sexual assault and sexual abuse. The amendment recognizes that such victims belong to a special class of claimants to whom much longer limitations should apply.

The current limitation period of four years after the age of majority does not provide victims of incestuous abuse equal benefit of law, because the injury itself precludes them from coming forward to sue within the legislated time period. Instituting such legal reforms will not in itself eliminate the problem of sexual abuse, but it will make the system more fair for victims seeking compensation. It will also say to offenders that they will not easily escape future civil action once young victims are able to look after themselves after they have been empowered to take action.

Adoption of Bill 198 will help raise community awareness and understanding of the issue. It will send out the message that we will not tolerate such abuse in our communities, that we will not ignore the damage inflicted and that we will not turn our backs on abuse victims in need.

Not too long ago, children were seen as their parents' property and too many were invisible in our communities. Although we are still fighting the notion that what happens in a family is a private matter, more and more today old taboos such as family violence, wife battering, sexual abuse and incest are being discussed openly.

Bill 198 is a reflection of society's effort to come to terms with these issues. Sexual abuse, particularly incestual abuse, is a subject difficult for society and excruciating for its victims. Generally, the healing process cannot begin before child victims are adults. In the words of one writer: "Child abuse scars the mind. It damages the child's development and shatters social competence. Victims may suffer from anxiety, depression, low self-esteem and withdrawal."

There is probably no easier crime to get away with. The child molester is at ease, knowing that



children are easily intimidated into silence, and children are often so damaged they cannot testify. They are often so traumatized they will deny what has happened to them in an attempt to shut the door on it. They are faced with telling on an adult whom they want to trust and whom they want to love and be loved by.

Pressures such as these are overcome only by time, and time is what Bill 198 is all about. Because the silence is an inherent aspect of the abuse, the delay in bringing a court action is a direct result of the wrongdoing of the abuser, not the fault of the victim.

This bill will ensure that victims, when they are sufficiently recovered from their injuries to take action, obtain their day in court. It is long overdue. I urge members to support Bill 198.

**Miss Martel:** I am pleased to stand this morning in the Legislature and speak in favour of Bill 198, An Act to amend the Limitations Act. I would like to congratulate the member for Kitchener and other members in this House who have a history of working on behalf of those abused in society and who have a long history of doing that. I want to take the time to commend them for the work they have done with various groups in our community in trying to bring that to the forefront in our society.

I would also like to say that during the course of my remarks I may repeat some of what has been said, some of the cases and statistics, but I think that will serve only to re-emphasize to members of this House and the public in general the need to support this bill.

This bill extends the period in which victims of sexual assault or abuse may bring their cases in front of the courts. It fills a gap in the justice system, which presently makes no allowance for the fact that many victims of assault, especially those who were assaulted as children, may not face the fact of the crime for many years and are therefore not ready to bring a case to the courts within the limitations period.

**1150**

At present, victims of sexual assault who wish to lay charges may proceed through one of two routes. They may bring the matter to either a criminal court or a civil court.

In the criminal court, there is no period of limitations; that is, the person who is bringing charges can do so at any time in his or her life. However, the burden of proof rests with the person who is bringing forward those charges. He or she must therefore prove beyond a shadow of a doubt that the other person is guilty. That usually entails pictures, witnesses and, in fact,

documentation of the crime. As members of this House and, indeed, the public can well imagine, none of that detailed evidence is normally available in sexual assault cases.

For this reason, sexual assault cases usually end up in civil courts, where the cases are judged on the basis of the probability of the crime having been committed. However, in civil courts, unlike criminal courts, there is a limitations period. For assault, the limitations period as it presently stands is four years; that is, a person must bring the case to the courts within four years of the assault or within four years after the person reaches the age of 18. Thus, a person who was a victim of sexual abuse as a child must bring his or her case forward by the time he or she is 22 years old and no older.

This law proclaiming the four-year limitations period was first written in 1897 and has not been reviewed since. At that time, sexual abuse was not discussed and therefore limitation was never considered independently when this law was being established. Now, as a society, we acknowledge the fact of sexual abuse and we are more aware of the circumstances surrounding it. We know that because sex is a taboo subject, it makes it extremely difficult for victims of sexual assault to talk about the crime and therefore to start the healing process. It takes much longer for them to deal with the assault and thus longer before they are ready to decide whether they should take this before the courts.

One victim, a Waterloo woman who was sexually abused by her father from the time she was eight until she left home at 17, explained the predicament in this manner: "That means that at the age of 22, I would have had to go to court. I didn't even know this law existed at the time I was free, finally, of my father's advances. I had just gotten married and wanted to live a free and normal life. I couldn't have dealt with what happened to me in the past because it had happened over such a long period of time. I just wasn't capable. Even at that time, I didn't know it wasn't my fault it had happened. I had thought I was the bad person, the guilty one. What my father did to me was my punishment. No child or adult should have to go through that."

For this Waterloo woman, she was not ready to deal with the issue, let alone decide to take it to court at the age of 22.

I have in front of me another situation, the well-known case of Miss Marciano, which has been documented and talked about here this morning. Her case proves even more definitively the need to reform the limitations statute.

Miss Marciano was sexually abused by her father between the ages of eight and 16. When her case was heard, the Ontario Supreme Court jury found in favour of her claim and awarded her \$50,000. However, the case was later dismissed because Mr. Justice Maloney pointed out that the statute of limitations had expired several years earlier. We have to ask ourselves and the public in general, is this really justice being served in this province?

The law needs to be reformed so that people like Miss Marciano can have their cases heard, so that they can use the justice system as it was intended, to see justice served.

I believe we all feel as members of this House that incest or other sexual child abuse is a repulsive crime, but I think many people are unaware of how widespread the problem is. Some of the statistics have been mentioned by the member for Kitchener, so I will not go through them again, but I will say that many children are victims of sexual abuse or assault. To expect them to come to terms with the trauma of abuse by the time they are 22 is unrealistic. At that age, they are trying to deal with the new responsibilities of adulthood, living on their own, getting settled in a job, starting a family, all of which requires tremendous adjustment. Dealing with the fact of the assault at the same time and deciding whether to take the issue to court is plainly unrealistic.

I do not think the justice system intentionally penalizes people who are unable to bring their case to court because they have suffered great trauma and personal injury. It is a result of historical views, oversight and the time it takes to change the system. However, we in this House are now in a position to change the system and make it more fair. Changing the limitation period is something positive we can do to help stop the cycle of child abuse and give the victims justice in the system.

There are numerous groups in favour of this legislation; they have been mentioned here today.

I understand that the whole statute of limitations is under review right now. I understand that the fact of delayed discovery will be taken into account as the limitations are revised. That is certainly a positive step towards making the limitation period more just. I believe Bill 198 helps to do just that. It allows reasonable time for victims to seek justice.

In support of all those who have worked to bring this problem to our attention, the women's groups, transition houses, churches, individuals

and indeed members of this House, and as a positive step towards stopping the cycle of incest and making the system more just for future victims, I urge all members of this House to support Bill 198 today.

**Mr. D. R. Cooke:** I want to thank all of the members of the House who have spoken in favour of this bill.

The member for Rainy River (Mr. Hampton) cited his experience as a barrister. I share with him some concerns regarding lengthening limitation periods and I would like to go over with him later, perhaps, why I came to the conclusion that it is valuable to do so.

I appreciate the support of the member for Burlington South (Mr. Jackson). I think he will agree with me that this bill is somewhat different and more to the point in this particular case than his own bill. In any event, I appreciate the help and support he has given with regard to this particular matter and the undertaking he has given with regard to the future.

The member for Halton Centre (Mrs. Sullivan) and the member for Sudbury East (Miss Martel) have both spoken. As the member for Halton Centre indicated, it is a women's issue, and she was careful to define what that is. Both members spoke very much from the heart, the member for Halton Centre indicating she has met with incest victims and the member for Sudbury East pointing out how unrealistic it is to expect all the cases to take place within the present limitation period.

Considering the statistics I cited earlier, I suppose it would cross one's mind that if there are millions of victims of sexual abuse, there might well be some adult victims of sexual abuse in this House today. I very much doubt that. I know I certainly was not. I had two very loving parents. Because of the tremendous psychological impact of child sexual abuse on its victims, very few would have the sense of confidence, the sense of self-worth, that is needed to run for elective office.

I believe those of us who have been lucky enough to escape this childhood trauma have a responsibility to those who have suffered. Everyone should have the right to have the happiest and most fulfilling life possible. By passing this bill, we will give this chance to those who have suffered the tragic consequences of child sexual abuse. As I indicated earlier, it should not hurt to be a child.

#### LONG-TERM PLANNING

**Mr. Speaker:** Mr. Adams has moved resolution 55.



All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

**LIMITATIONS AMENDMENT ACT**

**Mr. Speaker:** Mr. Cook has moved second reading of Bill 198.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Bill ordered for committee of the whole House.

The House recessed at 12:01 p.m.

## AFTERNOON SITTING

The House resumed at 1:30 p.m.

## VISITORS

**Mr. Speaker:** Just before I call for the first order of proceedings, I would ask all members of the assembly to recognize in the Speaker's gallery the head of the delegation of the Commission of the European Communities, His Excellency Jacques Lecomte. Please join me in welcoming His Excellency.

## MEMBERS' STATEMENTS

## SALE OF CIGARETTES TO MINORS

**Mr. Farnan:** Approximately 25 per cent of teenagers are smokers. This is a highly disturbing statistic when we consider that tobacco, a highly addictive product, is the number one preventable cause of disease and death in Canada today.

What can be done to protect young consumers from becoming addicted to tobacco products? The answer is clear. The government should move immediately to end the major reason why young people smoke; namely, the easy access youths have to tobacco products. Teenagers and even preteens can obtain cigarettes without difficulty even though it is illegal for stores to sell cigarettes to persons under 18.

The government should replace the antiquated Minors' Protection Act with legislation having a meaningful deterrent. The current maximum fine of \$50 has not been increased since the act was first passed in 1892. This paltry penalty gives retailers an economic incentive to disobey the law. What is needed is new legislation that will give retailers an economic incentive to obey the law. The government can do this by substantially increasing fines to retailers who sell cigarettes to minors.

Young people in this province, led by the Student Movement Aimed at Restricting Tobacco, SMART, and the youth wings of the three main political parties, have demonstrated leadership on this issue by proposing a reasoned legislative package of reforms to address the issue. Unfortunately, to date the government has not acted.

I urge the government to review the problem of easy access to tobacco products by young people and bring forward legislation to address this issue.

## JILL PATTERSON AND DONNA BEGGS

**Mr. Sterling:** I rise today to pay tribute to two very special young ladies from the riding of

Carleton who have brought a touch of royalty to our area.

Jill Patterson of Metcalfe was recently crowned Ontario Queen of the Furrow at the 1988 Ontario Plowing Match. Jill is a 19-year-old student at Guelph University and was our 1987 Carleton county Queen of the Furrow. In addition to achieving academic excellence, Miss Patterson has completed 35 4-H projects and served as a Sunday school teacher in her community.

The citizens of Carleton have also been made proud by 17-year-old Donna Beggs of North Gower, who won the Ontario Dairy Princess title. Donna Beggs is a graduate of South Carleton High School and, in addition to being a musician and a tap dance instructor, she too has been very active in agricultural endeavours through the 4-H Club.

I think it bodes well to have these beautiful, talented young ladies representing agricultural interests, and I ask the members of this assembly to join me in extending congratulations and best wishes to both the Ontario Dairy Princess, Donna Beggs, and the Ontario Queen of the Furrow, Jill Patterson, both from the great riding of Carleton.

NIAGARA-ON-THE-LAKE  
TOWN COUNCIL

**Mr. Dietsch:** I would like to take this opportunity to introduce to the honourable members of this House a few distinguished guests, as well as constituents of mine, who are seated in the west members' gallery today.

It has been my pleasure to have the Lord Mayor of Niagara-on-the-Lake, Stan Ignatczyk, the Deputy Lord Mayor, Alderman Gary Burroughs, Alderman Nellie Keeler and Alderman Dave Lepp visiting Queen's Park as members of our newly elected council in the town of Niagara-on-the-Lake.

We have spent time today touring Queen's Park and meeting with the Minister of Municipal Affairs (Mr. Eakins) in order that we might discuss our goals and mutual concerns. Our meetings were very productive and we look forward to continuing to work together over the next three years.

I ask all honourable members of this House to join with me in welcoming the delegation from the town of Niagara-on-the-Lake, which I might be a little bit prejudiced in saying is the most beautiful spot in all of North America, but I



would certainly request the members of this House to join me in welcoming my guests to this Legislative Assembly.

### TVONTARIO

**Mr. Hampton:** Members who are from southern Ontario areas or from urban areas of Ontario may easily overlook the importance and the significance of TVOntario and the programming TVOntario carries. After all, if you live in southern Ontario or even in a city like Thunder Bay, Sudbury or Timmins, as you flick through the television channels you will find a variety of Canadian television, as well as many—I would say too many—American channels.

The significance of TVOntario may be lost on many of us who reside in urban Ontario or in southern Ontario. But I come from a part of Ontario where in many communities there is only one channel which can be received all the time, and that is usually a CBC channel from Winnipeg, of all places.

Many folks who live in communities in northwestern Ontario and can receive TVOntario appreciate it greatly. They appreciate it for the current programs it provides. They appreciate it for the coverage of the Ontario Legislature it provides. They appreciate it because it introduces television programs which are so distinct and different from what may be available on American channels.

I would urge the government, when funnelling more money into TVOntario, to carefully consider putting some in the northwest, please.

### POLICE OFFICERS

**Mr. Runciman:** Police officers in Ontario have been getting a lot of negative press recently in regard to shootings which have resulted in charges being laid against some officers. I agree that such charges should be laid when evidence supports those charges. However, given all of the negative press recently, I want to remind members that these officers are innocent until proven guilty.

I find it extremely disappointing that rarely do members of this House rise to commend our police forces for the effective job they do for us on a daily basis and for performing their duties in a conscientious manner in the interests of protecting the public. Within the last few weeks, a police officer was killed in the line of duty, the result of a traffic accident. Also, a woman police officer had part of her leg amputated after being hit by a car while in the line of duty. However, no one in this House stood up to express condo-

lences on the death of the officer, nor did any member stand to address the fact that the woman officer's career is now in question.

It is imperative that we maintain a balance between stating our concern over questionable actions of our police forces and our support for their dedication to their duties. Police officers are human beings. Mistakes will be made. However, we must also recognize that officers are called upon regularly to make split-second decisions in the interests of enforcing the laws of our province.

Mr. Speaker, I ask you and members of this House to join me in stating support for our police forces and to express to them the respect they deserve.

### SIR JOHN A. MACDONALD

**Mr. Faubert:** Many of us let yesterday pass with little recognition that January 11 was the birthday of our first Prime Minister and the founder of the Canadian nation, Sir John A. Macdonald.

Of all the great men who have passed through the pages of our history, few have had the significant impact the Old Chieftain did on the evolution of Canada. With his creative and visionary leadership, he guided this country through those first difficult and turbulent years as a nation. He brought together Maritimers, Quebeckers, central Canadians and westerners, as well as anglophones and francophones, and gave them incentive to unite as a country and remain so united. He once told an audience, "Let us be English or let us be French, but above all, let us be Canadians." Today he would probably say, "Let us be English, French or any of our diverse cultures, but above all, let us be Canadians."

In his 19 years as Prime Minister of Canada, he faced many of the same problems we still face today. The federal-provincial battles raged on, quarrels over language filled the land and, as we still find today, the great expanse that is Canadian geography kept our regions far from one another.

It has been called for before and will be again, I am sure, that a national day be established to honour this great Canadian known as the Father of Confederation, and I would urge this Legislature to support such a move.

During his last campaign, that took place during 1891, he was greeted everywhere by shouts of, "Sir John, you'll never die." I am pleased to advise this House that these shouts were in essence a prophecy. For as long as we

exist together as a united Canada, his impact will be with us.

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## RETAIL STORE HOURS

**Mr. Farnan:** Last night I listened to the farewell address of President Ronald Reagan to the American people and he mentioned that he based much of his success on the recognition of the principle, "We, the people." He emphasized the importance of being sensitive, of listening and of responding to the wishes of the people.

Here in Ontario, the people of Ontario have spoken on the issue of Sunday shopping. They have spoken in a clear, unequivocal manner and they have said very, very clearly, "We want a common pause day."

The Premier (Mr. Peterson) and this government do not listen. In Ontario, the principle of government is not "We, the people." In Ontario, the principle of government is "We, the government."

**Mr. Speaker:** I guess that really completes the allotted time for members' statements.

Interjections.

**Mr. Speaker:** There were about four seconds left but I did not think any member could complete a statement in that time.

## STATEMENTS BY THE MINISTRY

### SCHOOL OPENING AND CLOSING EXERCISES AND RELIGIOUS EDUCATION

**Hon. Mr. Ward:** In the eight years since the adoption of the Canadian Charter of Rights and Freedoms, the courts have laboured to measure against it laws created in previous years. In jurisdictions across Canada, legislators have been challenged to create new laws responding to the charter.

It was within this context that last September 23 the Ontario Court of Appeal rendered a decision with respect to the charter that struck down the section of Ontario regulation 262 dealing with religious exercises in public elementary schools.

This government opted to accept the court's ruling, respecting and sharing in its spirit that we must recognize and respond to the multicultural and multifaith nature of Ontario society today. We have chosen to act on our belief that a new section can be created within the regulation that complies with the court's interpretation of the charter.

I wish to inform the Legislature today that, effective immediately, we have amended the

sections of regulation 262 concerning opening or closing exercises to achieve two very important purposes: to recognize and respond to the multicultural and multifaith nature of our province and to permit the Lord's Prayer to continue to have a place in the classrooms of Ontario.

The amended regulation will require all public elementary and secondary schools in Ontario to be opened or closed each day with our national anthem, O Canada. In addition, at the discretion of each public school board, God Save the Queen may be included.

The inclusion of any content beyond O Canada will be optional for each public school board. Where a board decides to include other material, the content will include a period of silence and/or one or more readings that impart social, moral or spiritual values and that are representative of our multicultural society. Such readings may be chosen from both scriptural writings, such as the Bible, the Koran, the Torah and many others, and secular writings.

Let me emphasize that the Lord's Prayer may be included among the readings chosen for use in any public school. However, to ensure that all our schools hold opening or closing exercises that are consistent with the spirit of the Court of Appeal's ruling and with the charter, readings from any one religion may not be used exclusively or be given a position of primacy.

To comply further with the court's ruling and with the charter, such readings will replace the collective recitation of any specific reading from a particular religious tradition. Such a practice within the public schools is not in accordance with the charter as interpreted by the court.

My ministry will assist boards that choose to include readings by developing and distributing a resource document for opening or closing exercises which will contain guidance for its use.

The period of silence available for inclusion in opening or closing exercises is intended to be used for personal reflection or individual silent prayer.

As is the case with elements elsewhere in the educational program, parents who object to part or all of their school's exercises may apply to the principal to have their children exempted. Adult students may also exercise such a right.

I am confident that these changes respond fully and appropriately to the intent and spirit of the judgement of the Court of Appeal and to the court's interpretation of the charter. We must all acknowledge and understand the clear message of the courts: that in opening or closing exercises, Ontario's public schools must not give one



religion a position of primacy. The public school system is open and available to all.

Through our amended regulation, we are acting upon an excellent educational opportunity to firmly establish Ontario's classrooms as a cradle of tolerance and understanding, where children learn to accept and appreciate that we are all citizens of the same province.

Regulation 262 also covers the teaching of religious education in the public elementary schools of this province. The regulation governing religious education in schools was introduced in 1944, and a review, in consultation with the many religious groups which make up Ontario's multicultural society, is, I believe, timely, appropriate and useful.

This need is underlined by recent developments, including the creation of the Charter of Rights and Freedoms, its interpretation by the courts and the passage last year of a resolution by the Legislature, introduced by my colleague, the member for Hamilton West (Mr. Allen), to consider for Ontario schools a multigrade, multifaith religious education curriculum.

This government believes there is an important role for religious education in the public elementary schools. While this view is shared by many religious groups, parents and educators, opinions differ on what should be contained in an appropriate policy on religious education.

Therefore, I am pleased to announce today that I am establishing a ministerial inquiry into religious education in the public elementary schools, to report and make recommendations to me by January 31, 1990.

The inquiry will be conducted by Dr. Glenn Watson, the former director of education of the Brant County Board of Education. Dr. Watson is in the visitors' gallery today. His terms of reference will afford him the opportunity to undertake a complete review of how current religious education programs are conducted and how religious education might be conducted in the future.

His terms of reference include a review of the existing policy with respect to religious education; the identification of curriculum options for an appropriate religious education policy for the public elementary schools which responds to the multicultural and multifaith nature of the population of the province; the identification of appropriate teacher preparation strategies to support the teaching of religious education, and the delivery of recommendations with regard to the adoption of an appropriate religious education policy for Ontario.

I have asked Dr. Watson to conduct extensive consultations with interested parties during his inquiry, and it is my expectation that he will solicit their input through a public process.

#### TECHNOLOGY FUND

**Hon. Mr. Kwinter:** I would like to inform the House of a new industrial development project to receive assistance from the Premier's Council technology fund.

As members will be aware, the Premier's Council technology fund was established in 1986 to support science and technology research in the private sector and post-secondary institutions.

Since then, it has sponsored a number of major initiatives to carry out that mandate, including the support of more than a dozen industrial research projects in areas that range from the development of an advanced form of radar to investigating new types of ceramic materials.

Today I am pleased to announce that the technology fund will be providing up to \$4.85 million towards the development of a new mobile satellite communication system for the transport industry.

This project, which is worth a total of \$9.71 million, will be undertaken by Telesat Canada, of Ottawa, in partnership with Frederick Transport Ltd. of Dundas, Ontario, and Bill Thompson Transport Ltd. of St. Thomas, Ontario, two major Canadian carriers.

Telesat Canada already has extensive experience in the installation and operation of satellite communication systems. Under this project, the company will research and develop a sophisticated new system that will allow carriers to communicate via satellite with vehicle drivers while they are on the road.

The work will lead to the manufacture of sophisticated new high-technology communications and computer equipment that will have widespread uses in other fields. But it will also have additional benefits. Not only will it increase the competitiveness of the transportation industry, it will help those manufacturing companies which depend on trucking firms for the timely delivery of components and other products.

#### 1350

An added bonus will be improved highway efficiency as the superior communication abilities of this new system will permit drivers to avoid areas of heavy congestion. The mobile satellite communication industry is an excellent example of a market that is poised to expand rapidly during the next few years. Markets such



as these will be responsible for creating much of this province's wealth in the future.

The project I am announcing today will help establish a major new Canadian manufacturing presence in this promising area, thus ensuring that Ontario reaps the full benefit from its anticipated growth.

#### ARTS MANAGEMENT TRAINING PROGRAM

**Hon. Ms. Oddie Munro:** I am happy to announce today in the House that my ministry will launch a new arts management training program this winter. Because community arts organizations play such a significant role in sustaining the cultural life of Ontario, I am pleased that the Ministry of Culture and Communications is able to provide funding to professional arts groups that would welcome an opportunity to train individuals seeking a career in arts administration.

The 12-month program, costing \$450,000, is in response to the need expressed by the province's arts community for quality arts management training.

The arts management training program is a chance for 30 individuals throughout this province to receive in-depth and on-the-job training in their area of specialty. They, in turn, are expected to reinvest the expertise gained back into the arts community after the one-year term.

There is also a spinoff benefit from this program, in that it will provide an opportunity for professional arts organizations to hone the efficiency and effectiveness of their own organizations by participating in the development of prospective managers. In addition, it affords the arts community an opportunity to groom the next generation of arts administrators.

My ministry has always worked to strengthen cultural organizations in Ontario. Therefore, I think that the talent and enthusiasm the 30 individuals will bring to the program will add much to strengthening the community-based role of arts organizations throughout the province.

#### MENTAL HEALTH AND ADDICTION TREATMENT

**Hon. Mrs. Caplan:** It is my pleasure to announce that my ministry is granting \$1.7 million to fund eight community mental health and addiction treatment projects. They are being funded as part of my ministry's commitment to women's initiatives. All the grants will be provided annually and on a continuing basis.

Three of the projects will provide various kinds of counselling and referrals. They include Toronto's Sistering project, which is a supportive, nonthreatening environment for transient and socially isolated women in the Parkdale area, and the Barbra Schlifer Commemorative Clinic, which counsels the victims of childhood sexual abuse and incest and provides them with crisis intervention and referral services. The third is the Women's Counselling Referral and Education Centre, offering services including telephone crisis counselling, education counselling and referral.

We are also funding the establishment and operation of two alcohol and drug dependency centres. The program, sponsored by the Sudbury Algoma Hospital, will provide nonmedical detoxification for women in the district of Manitoulin and the region of Sudbury. The other centre is in Acton; it will serve Halton and Peel regions, offering treatment on both a daily and residential basis.

Finally, we are funding three programs for people with eating disorders. These programs, open to both men and women, are the eating disorders program at the Toronto General Hospital, which serves more than 500 people and is a provincial resource, offering outpatient and hospital services to women and men; the National Eating Disorder Information Centre, also located at the Toronto General Hospital, which provides information about services across the country in both French and English and operates a support group for people with anorexia nervosa and bulimia, and a new eating disorder outpatient clinic at the Sudbury General Hospital.

These programs are active examples of my ministry's commitment to serving the needs of women. They are also important steps towards our goal of seeing that the people of Ontario have equitable access to the best and most effective health care possible.

At this time, I would also like to announce the appointment of Dianne Macfarlane as the mental health and addictions co-ordinator for the ministry. Mrs. Macfarlane is currently the administrator of the Queen Street Mental Health Centre. She has a background in community mental health and a graduate degree in criminology. As co-ordinator for mental health, she will serve as a focal point for outside agencies, other ministries and the public in development of mental health and addictions programs and policy.

The designation of a mental health and addictions co-ordinator is in keeping with the



recommendations of the Task Force on Illegal Drug Use report by the member for Muskoka-Georgian Bay (Mr. Black), encouraging co-operative approaches among government ministries and between government and other sectors.

## RESPONSES

### ARTS MANAGEMENT TRAINING PROGRAM

**Miss Martel:** I want to respond briefly to the statement made by the Minister of Culture and Communications (Ms. Oddie Munro) today. We certainly welcome any initiative on the part of this government which is going to promote growth and efficiency in arts organizations in the province. I believe that a hands-on experience for those people in areas of their specialty will probably broaden their expertise. It is also going to help the arts organizations with some badly needed staff that they might not otherwise have, so I expect that it will indeed be a very valuable experience for both.

On the heels of that, though, I would like to say I am disappointed that we have yet to hear from either this minister or the government any announcement concerning the commitment to the five-year plan that was put forward by the Ontario Arts Council. That plan would certainly see a large infusion of money over the next five years into the arts sector in this province; money which is badly needed both to provide for financial stability to the arts and for artists themselves.

I would hope that the minister would continue to lobby the Treasurer (Mr. R. F. Nixon) and that some money can be freed up for that plan. At this point, the first year should already be well under way.

### MENTAL HEALTH AND ADDICTION TREATMENT

**Mr. Reville:** The Minister of Health (Mrs. Caplan) announces the appointment of Dianne Macfarlane. Obviously, I congratulate Mrs. Macfarlane on her appointment. She will have much to do. I regret that she is being shifted out of the Queen Street Mental Health Centre. There is kind of a revolving door as administrator there, and that does not help that operation.

It is pretty clear that the Minister of Health has not read the Graham report, or if in fact she has read it, she intends to pay no attention to it. The eight programs that she announces are undoubtedly worthwhile programs, but the Graham report indicates that the priority of this government should be people who suffer the most

severe disabilities and not some of the recipients of these programs.

The other comment I have to make is in respect of the grants to eating disorder clinics. Let me point out that the most serious eating disorder in the province remains hunger. This government has done nothing about the recommendations in the Thomson report which would begin to address the shocking hunger of people in our province.

### SCHOOL OPENING AND CLOSING EXERCISES AND RELIGIOUS EDUCATION

**Mr. Allen:** In response to the Minister of Education (Mr. Ward) and his announcement with regard to multifaith instruction in the schools and opening exercises, I want to say that it has been 20 years since the ecumenical commission first approached the government of Ontario to tackle the question of bringing religious instruction in the schools up to date in a multicultural society and a multifaith community.

To that extent, I think the minister is to be complimented on having brought forward an agenda now and having appointed somebody to actively review those options. We certainly wish Dr. Glenn Watson all the best as he undertakes a very sensitive task which we hope he will resolve to the satisfaction of our communities across Ontario.

I appreciate the minister mentioning our own interest in that regard, but I also want to refer to the opening exercise question. The minister has attempted to respond as carefully as he can to the court decision. The essence of the court decision was that no one should be subjected to compulsory prayer. That, of course, is the essence of our position as a party as well.

We are happy to see that he has tried to distinguish between readings and prayers, and we recognize that readings obviously must relate to the various traditions that exist in this province.

We are troubled, I think, by the fact that he appears to feel that exemption may still be necessary. I understand that is a technical requirement in terms of freedom of expression. In any case, almost no matter what he did, he would have to have that clause in there.

I hope this does not mean, however, that what goes on in opening exercises or the nature of the readings that are included will require in their overall cast that anyone would feel the necessity of absenting themselves.



1400

**Mr. B. Rae:** I just want to join my colleague the member for Hamilton West (Mr. Allen) in commenting on this announcement by the minister. I think it is enormously important that we be very clear in our expectation that every school board in the province will comply fully with the decision of the Court of Appeal and will comply fully with the law of this province as it has been stated by the Court of Appeal.

It is extremely important that no child feels that he or she is different or excluded from our school system because he does not happen to be Christian. I make it clear as the father of three children who are not Christian, who are Jewish, that they have as much right to feel part of the school system—

**Mr. Speaker:** Thank you. That completes the allotted time.

**Mr. Jackson:** My reaction to today's announcement by the Minister of Education is a mixed one. I am happy that he has seen fit to incorporate certain elements of community choice into his decision, recognizing the fact that what happens in North York can and should, in some instances, be different from what takes place in a classroom in Wellington county, say, where the member of the Legislature has been a strong proponent of the Lord's Prayer.

I am also pleased that the government has seen fit to retreat from a position that has been recently exposed in the media, that it stands poised to eliminate prayer in schools altogether.

But I am concerned about these new regulations which the minister has referred to and how they are to be understood. For example, what is meant by the use of prayers on a rotating basis? What will primacy mean? Will it be in proportion to the population of Ontario which is, according to statistics published by the Treasurer, 89.3 per cent Christian, 3.5 per cent non-Christian and 7.2 per cent indicating no religious preference? Or will prayers be rotated in proportion to the religious composition of a community or of a specific classroom? Or does this government intend a strict rotation with absolutely no consideration given to the religious roots of the students or the population of Ontario as a whole?

What of the legal consequences of this new ruling by the minister if a local school board is taken to court by parents who object to the use of the Lord's Prayer at all, even on a rotating basis? Will this government give the boards a guarantee that it will intervene on their behalf and defend their actions in court?

Finally, this plan will allow a school board to choose to use absolutely no prayers at all. I would suggest that in these cases, instead of allowing no exercises at all, the government should mandate a moment of silence for students to use as they wish. There should be recited prayers or a moment of silence, but I do not think the vast majority of Ontarians feel that no prayer whatsoever is an acceptable option.

In *The Merry Wives of Windsor*, Shakespeare says in a very sarcastic vein, "His worst fault is that he is given to prayer." I would hope that this is not the philosophy of this government. It is certainly not the philosophy of our party. Far better to embrace the words of Tennyson, who wrote, "More things are wrought by prayer than this world dreams of."

#### MENTAL HEALTH AND ADDICTION TREATMENT

**Mr. Eves:** In response to the statement made today by the Minister of Health (Mrs. Caplan), when I found out earlier that she was making a statement, I was really fully expecting for her to be making a statement about the severe nursing shortage in Ontario and what specific actions she and her ministry are taking.

However, having said that, that is the bad news. The good news is that I am fully supportive of the minister's statement and the project she has announced today in the Legislature. I think they are long overdue.

#### ORAL QUESTIONS NURSING SERVICES

**Mr. B. Rae:** I want to ask the Premier if he can clear up some confusion which rests in my mind. I am sure he would agree it is important to clear that up. I read the *Star* this morning, and it said, "Peterson Wants Nurses' Contract Renegotiated." I asked the Premier very directly in the House questions relating to the renegotiation of the collective agreement. I do not recollect in any of the answers and in looking at the *Hansard* yesterday that this is what the Premier said at all. In fact, he made some comments on the sanctity of the collective agreement.

I want to ask the Premier very directly, is he prepared now to have the collective agreement between the Ontario Hospital Association and the Ontario Nurses' Association reopened in order to see that nurses who are providing cardiac care get paid the money that will keep them in the profession?

**Hon. Mr. Peterson:** What was said was exactly what I said here in this House and I



maintain the same position. The minister is meeting with the parties next week to encourage discussions between the two parties and hopefully find a resolution to some of these outstanding problems.

**Mr. B. Rae:** Is the Premier prepared to come up with any additional funds that would be necessary to allow the Ontario Hospital Association to meet the needs of the nurses, to make sure that those nurses who are now working for agencies have an attractive possibility of working for hospitals and to end this stalemate which is now in place in terms of bargaining? Is the Premier prepared to do that? That is the critical question.

**Hon. Mr. Peterson:** As I said, I do not want to prejudge the result of those discussions. The minister is showing leadership in that regard. We will look at any reasonable ideas they come up with in the resolution of these kinds of problems. I want to remind my honourable friend, we are putting an additional \$450 million into hospitals this year. I think most people agree that it is not exclusively a monetary problem. That may be part of it, but there are other aspects to it as well and hopefully reasonable people will get together and find a resolution.

**Mr. B. Rae:** What does the Premier say to the two citizens of Windsor whose story has been discussed in the Windsor Star, Mr. Charlton and Mr. Bellaire, who are both waiting for heart surgery? One of them, Mr. Charlton, has decided to have his surgery done at Detroit's Henry Ford Hospital. He said: "I don't want to sit around and die. I want to get it done."

This gentleman has already had a couple of heart attacks. He is on a very urgent list, but the list still requires him to wait for several months before he can receive surgery in London which, as the Premier will know, is the regional centre for southwestern Ontario—

**Mr. Speaker:** Question.

**Mr. B. Rae:** I wonder if the Premier could explain to us just what is the logic of forcing these people, and indeed many hundreds of citizens across the province, to contemplate going to the United States to get surgery that will be more expensive, will cost all of Ontario more through our plan, will cost their families far more in terms of what they have to pay and will inconvenience them enormously. Does he not think we should be able to provide for those people here in Canada rather than forcing people to go down to the United States to get their heart surgery?

**Mr. Speaker:** Order. Premier.

**Hon. Mr. Peterson:** I am not in a position to comment on the specific case that my honourable friend raises, but just in general—and I cannot give him the statistics—as I understand it, there are a number of Canadians who have operations in other countries, and people from other countries have operations here. We do that with people from out of province and back and forth; there is a high degree of reciprocity in this regard. I am sure the member is not arguing that we should keep everybody who does not live in Ontario from having operations here and certainly we would not argue that side of the argument.

**Mr. B. Rae:** This government said it wanted to have one medical care plan for everybody—

**Mr. Speaker:** Thank you.

**Mr. B. Rae:** Now we have one for people who go to the United States and another one for people who have to wait here.

**Mr. Speaker:** Order. New question and to which minister?

#### RETAIL STORE HOURS

**Mr. B. Rae:** A new question also for the first minister, the Premier. He will know that this morning a press conference was held by a coalition representing literally millions of Ontarians from religious groups to retailers to the labour community; people who have joined together to express their opposition to bills 113 and 114, the bills on Sunday shopping.

I wonder if the Premier can explain the logic of a bill such as his which says that very large drugstores that sell all kinds of goods, not just Aspirin and not just drugs but all kinds of goods ranging from groceries to everything else, are going to be made available to be open on Sunday as a matter of government policy and not as a matter of municipal option.

Can the Premier explain why, if Paul Magder started selling Aspirins, he might be able to open up his fur store?

1410

**Hon. Mr. Peterson:** I think the honourable member knows the legislation in place at the present time, where you have massive stores that may sell some Aspirin are selling all sorts of other things as well.

**Hon. R. F. Nixon:** Lawnmowers.

**Hon. Mr. Peterson:** Lawnmowers and everything else. That is the confusion that we are addressing in this particular set of circumstances, and I think everybody understands and knows that. Surely, if my friend is standing up and



saying that we should continue on with the confusion and, if I may say, the duplicity and hypocrisy that exist in the present law, then he may stand up and say so, but we believe that this provincial framework regularizes it.

Everybody will know the rules, what the penalties are, and most communities will be happy with that, but communities that will not be happy can have their own individual choice. Surely there is nothing antidemocratic about that. It is going to be very clear to everyone what the rules are, as is not the case now.

**Mr. B. Rae:** I always enjoy the Premier and the leader of the Liberal Party talking about duplicity and hypocrisy, when it was precisely the position of a compromise with respect to a common pause day which was good enough for him when he wanted the votes of the people of Ontario in August 1987. If he wants to talk about duplicity and hypocrisy, he ought to look in a mirror. That is where he ought to look.

[Interruption]

**Mr. Speaker:** Order. We are always pleased to have visitors in our midst. However, if they want to participate and demonstrate in any way, that is not allowed.

**Mr. B. Rae:** Is the Premier still saying that he will not in fact sit down with members of the Coalition Against Open Sunday Shopping, many of whom are here today, in order to see if we can work out one final, negotiated compromise on this legislation which will maintain the common pause day that he said he wanted back in August 1987?

**Hon. Mr. Peterson:** We have had endless meetings on this matter with the Attorney General (Mr. Scott), my staff and the Solicitor General (Mrs. Smith). The committee has sat for something like 58 days now. People have had an opportunity to put their positions, to discuss it and continue to do so. There is no issue in this House that has had a longer, more protracted and sometimes difficult debate, and sometimes a complete waste of time at the same time.

I recognize that some people have different opinions on these matters. That is the case with any legislation that comes into the House and any view I happen to have or, may I say, any view the member happens to have on any subject. This Legislature is democratically elected to deal with these issues, and I am very comfortable with the process that we have employed in that regard.

**Mr. B. Rae:** We had to force this government to agree to public hearings. That is how keen it was on the democratic process.

**Mr. D. S. Cooke:** That is exactly true.

**Mr. B. Rae:** That is exactly right. The Liberal Party members on the committee made it crystal-clear that they were not interested in listening to the over 400 briefs that were presented against the legislation, which the Premier has stuck to from the very beginning.

I want to ask the Premier why he is so reluctant to try to work out a compromise, not with the House leader of the New Democratic Party or with members of the Conservative Party but with those people, those retail merchants, the Association of Municipalities of Ontario, the religious groups and the coalition of literally millions of people in this province who are dead set against his entire approach to this question on Sunday opening, Sunday working and Sunday shopping.

**Hon. Mr. Peterson:** I am not sure if there was a question in that, but let me respond to the tirade anyway. I say respectfully to my honourable friend opposite, when he talks about his forcing public hearings, he again overrates his own importance in this particular debate. That is nothing new. It is something this House has lived with for a long time.

We have had endless hearings on this matter. I believe there have been something like nine amendments—I may be incorrect—seven or nine amendments to the legislation. It is all there. My friend has taken an emotional response to this matter, but I ask him and my friends who are looking on at this debate: Do they object to Point Edward, in the riding of my good friend the leader of the third party, being open on Sunday should it so choose? Are they upset because Sault Ste. Marie has chosen, on its own, to have Sunday shopping? That does not in any way force Toronto or Pembroke or North Bay or anyone else.

Surely when we have a system, as we do in a large province like ours, with roughly a third of the workforce now working on Sunday, the member can understand that it does not in fact erode family life. If we look at the other provinces that employ this kind of legislation, it is sensitively tailored to meet the needs of a community in a huge land mass. Surely that is not too difficult for my friends opposite to understand. What we do find is that when people are comfortable with this legislation and understand it, they do not get nearly as, shall I say, shocked as my friend opposite.

#### POLICE SHOOTING

**Mr. Brandt:** My question is for my good friend the Attorney General. It is related to a



matter that recently cleared his office, I understand. I would like to ask the Attorney General if he would share with the House whether the normal process was followed in the laying of charges against Constable Deviney of the Metro Toronto Police Force in the shooting of Lester Donaldson.

**Hon. Mr. Scott:** It was.

**Mr. Brandt:** I anticipated that might be the answer I would get. I would ask the Attorney General, if that is the case, how he can reconcile his statement that the normal process was followed with the statement made by Police Chief Jack Marks of the Metro force today.

When he was asked about the laying of charges, Chief Marks said, "After the first investigation by our homicide detectives, a crown attorney looked at the evidence and he could see no reason to lay charges." I understand an out-of-town crown attorney was given the results of the Ontario Provincial Police investigation and he again, to the best of my information, said there were not sufficient grounds to lay charges.

According to my information, and I stand to be corrected, that whole information packet was forwarded to the Ministry of the Attorney General and the decision to lay charges was made there. Can the Attorney General tell the House who made the decision to lay those charges and on what new evidence the charges were laid?

**Hon. Mr. Scott:** First of all, Chief Marks of the Metro Toronto Police Force was not a member of the OPP investigative team, nor was he a member of or consulted by the crown law staff. I have no way of knowing where this information comes from.

The process that was followed was the usual one in this sense. Let me describe it. The OPP investigative team, under a very senior member of the staff, conducted an investigation which it brought to crown attorney Meinhardt and the senior crown staff of the Ministry of the Attorney General. That staff, the crown law staff, formulated the legal advice it would give to the head of the OPP investigative team. That advice was communicated. I did not participate in that process but I know the advice and I agree with it.

Following the receipt of the advice, the senior OPP officer who was the investigative leader of the team went before a justice of the peace and swore in the words of the Criminal Code that there were reasonable grounds to believe and that he did believe that the offence of manslaughter had been committed. That is the normal process.

That is precisely the process that was followed in this case.

**Mr. Brandt:** As the Attorney General is well aware, in the normal process, it is the crown attorney who would lay those particular charges. Justice should be the same for all people, all ethnic origins and all occupations. In this particular case, we have the Attorney General who altered by way of interference in the process of laying charges against Constable Deviney. Just as he does not have the right to interfere in the process of laying charges, this smacks of political interference. That is exactly what is being suggested.

It has worsened an already bad situation. How can the Attorney General justify his interference which has, as of yesterday, led to a situation where the police officers of this community have gone on the streets and refused to carry their guns? Some 30 police officers, according to this headline in this newspaper, have refused to go on the streets with their guns as a result of the minister's decision. How can he justify that?

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**Hon. Mr. Scott:** I am sure the honourable member inadvertently does an injustice not only to the crown law staff of my ministry but to the same crown law staff that served his colleagues loyally for many years when he was in government. The process we followed in this case is precisely the process that has been followed by other Attorneys General and crown law officers in the province.

The crown attorney does not lay a charge. I know of no case in my experience where a crown attorney has ever laid a charge. He gives legal advice to police or citizens who seek it and then the person seeking the advice, in this case a senior officer of the OPP—

**Mr. Eves:** Are you telling me that in every case they all go to your ministry staff before charges are laid? In every single case, every charge that is ever laid, they go to your office? Give me a break. You would have to have 11,000 civil servants advising you.

**Hon. Mr. Scott:** The member for Parry Sound might just listen and he might learn something about this.

Then the superintendent in charge of the investigation attends before a justice of the peace, who is an officer of the court, and swears an oath that he has reasonable grounds to believe and does in fact believe that an offence has occurred. That is what happened in this case. The information, on the basis no doubt of legal advice



that was given by the crown law staff, was laid by a senior inspector of the Ontario Provincial Police.

**Mr. Speaker:** New question.

**Mr. Eves:** The crown staff advise police on every single charge that is ever laid in the province of Ontario. That is what you would lead people to believe. That is not true and you know it.

**Mr. Speaker:** Perhaps the member for Parry Sound would give his colleague an opportunity.

#### AFFORDABLE HOUSING

**Mr. Harris:** Yesterday the Minister of Housing admitted that there was no available affordable housing in Metro. Then she bragged about doing more for housing than any government in the history of Canada, in the world. I assume perhaps she was talking about their famous highway rest stop outhouses, because in three and a half years that is the only affordable housing this government has ever built.

The minister could not do it yesterday, but the Toronto Star, after looking high and low, finally found the mystery affordable house, and here it is. It is called Chateau Hošek. It has three rooms and costs \$128,000. This is the only one that could be found under \$133,000.

Does the minister not understand that the affordable housing supply situation is getting worse, not better, and that her policies to increase supply have failed?

Interjections.

**Hon. Ms. Hošek:** I am sorry, I did not hear a question there.

**Mr. Speaker:** Would you try in your supplementary?

**Mr. Harris:** No.

**Mr. Speaker:** There was a response.

**Mr. Harris:** Members of her caucus were making so much noise that she could not hear the question. Is that my fault? It is actually the best answer I have had since I have been critic.

By way of supplementary, let me remind everybody of the answer I would have got, which is the same pat answer. The minister is always saying that the solution is to increase supply. We agree, but the facts show that the minister has failed to increase supply. There is less affordable housing in Ontario, not more. The social housing the minister talks about is not affordable. Taxpayers would not have to subsidize construction and shelter costs if it were.

Given that buying affordable homes is totally out of the question, let me turn to the other choice

people have and that is renting. In January 1988 the minister said that—

**Mr. Speaker:** Question?

**Mr. Harris:** —the average two-bedroom apartment in Toronto rents for \$570. The tenants want to know: Can the minister identify this mystery apartment, a two-bedroom apartment in Metro Toronto that is available for \$570?

**Hon. Ms. Hošek:** I think it would be very interesting for the member for Nipissing to tell the people who have moved into all the social housing this province has built over the past three years that their homes are not affordable. They can afford to pay the rent because of the building that we and the nonprofit groups have done.

Let me also point out to the member opposite that this year 100,000 people came to Ontario and last year 100,000 people came to Ontario. That is twice as many people as live in the member's riding.

The pressure on housing is great, and I am the first to admit that there is not enough housing in this province that people can afford to buy. That is precisely the reason we are working to make sure that the rules for building and the use of land are such that the private sector can build more. The people in the private sector tell me they can indeed do so, if the municipalities co-operate with us to make it possible to use land more creatively.

When I say housing, perhaps the member opposite thinks only of a detached house. That is an indication of a certain lack of imagination. Housing includes detached houses, semi-detached houses, townhomes, condominiums and many forms of housing. What we are going to make sure is that there are many housing choices for people, so that people can move into a home that they can afford—

**Mr. Speaker:** Thank you.

Interjections.

**Mr. Speaker:** Order.

**Mr. Harris:** Liberals do not seem to understand that most people work. Most people want to pay their own way without subsidies from the government. That does not seem to be possible in David Peterson's Ontario.

Liberal housing policies have taxed and levied housing prices out of reach. Liberal housing policies have stifled the rental market by grinding new supply to a halt. No matter how the minister tries to doctor history, the fact is that no government has ever so outrageously denied such basic housing rights to the people by the



way of its policies than this government has done.

I ask the minister: Why should we, why should the people of Ontario, have any confidence in a minister who has failed so long and so often and then stands up and says she is proud of the mess that her government has created? Can she give us one reason why?

Interjections.

**Mr. Speaker:** Order.

**Hon. Ms. Hošek:** Obviously, the member opposite is interested in numbers, so let's talk about numbers here.

Let's talk about the thousands and thousands of nonprofit units that are being built across this province and are continuing to be built across this province, many of them funded unilaterally by the province, despite the fact that the federal government seems not to be as interested in the pressure of housing need in this province as I would like it to be.

Let's point out that 100,000 people coming to this province in one year represents significant pressure. The member opposite says he is interested in markets. It seems to me that a market that has to absorb that number of new people will always be stretched.

That is the reason that we are promoting infill and intensification. That is the reason that we are making sure that municipalities plan for people of moderate income from now on. Instead of having people of moderate income as an afterthought, from now on people of moderate income will be planned for as part of the building process.

That, I think, is something we can be proud of, because it represents a change in direction and an expansion of our sense of responsibility in the entire building process.

#### HOME CARE

**Mr. Allen:** I have a question to the Minister of Community and Social Services. The Hamilton-Wentworth Visiting Homemakers Association has been waiting this week for the other shoe to fall. They are the only nonprofit homemaking association in the province that was not included in the minister's announcement a week ago, despite the fact that they have one of the lowest rates paid by his ministry to any visiting homemakers association—they survived last year only by virtue of a local bailout by the United Way and the regional government—and in spite of the fact that I have repeatedly referred in this House to the extreme crisis they were finding

themselves in over the past year. Why has the minister left Hamilton out in the cold?

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**Hon. Mr. Sweeney:** As has already been pointed out in the House, the purpose of the previous announcement with respect to deficits was to provide some interim time for the Red Cross and the seven other agencies that had a deficit at that point in time while we were in the process of introducing our other initiatives. I am not aware of the fact that the agency the member mentioned in Hamilton was in a deficit situation at the time that decision was made. If that is a fact, then I would be happy if the member would bring it to my attention and we will re-examine it, but I was not aware that it was.

**Mr. Allen:** The situation of the visiting homemakers was repeatedly made known to all members from Hamilton, including members of the Liberal cabinet. The region itself has badgered his ministry, explaining the extreme difficulty they were in and that it was contemplating having to make an additional grant to them in order to cover losses they were suffering. The United Way had to move to forgive a debt for them in order to make it possible for them to survive the year. So the message must have been coming through in some form or other.

The minister will find the operation a very trim ship, with the sacrifice of a supervisor, for example, in recent years. No benefits are paid either to the administrative staff or to the field workers. The operation is a very commendable one, but it is going into deficit at a rate—this coming year certainly—at least of 50 cents per hour of service offered.

Do I hear in the minister's remarks or read into his comments that if in this coming year the Hamilton-Wentworth Visiting Homemakers pays reasonable wages, adds reasonable benefits, covers travel costs and pays for training costs, the minister will in fact cover the deficit of the Hamilton-Wentworth Visiting Homemakers in the coming year, as he has for the others in the past year and has promised to do for next year for them as well?

**Hon. Mr. Sweeney:** In response to the specific question, the answer would obviously have to be no. But in response to the general tenor of the question—are we prepared to take those factors into consideration when we are setting our new rates and negotiating with the various agencies?—the answer is yes.

#### RETAIL STORE HOURS

**Mrs. Cunningham:** My question is for the Premier. We all know that at a Queen's Park



press conference today some 26 groups, representing over 5 million Ontarians, from the business community, churches, retailers and retail workers were all here to let us know how unhappy they were about this government not supporting a common day of pause by the vehicle of Bill 113.

If the Premier insists on pushing for this legislation that will force more people to work on Sundays, further eroding our family time together, will he then, at the same time, stand in this House and state that he will permit a free vote without any coercion or threats of reprisal or demotion?

**Hon. Mr. Peterson:** Every vote in this House is a free vote as far as I am concerned. People see their wisdom. My question is, is the leader of the opposition party going to free his member for Windsor-Riverside (Mr. D. S. Cooke), who is favour of the local option? My question to the member's leader is, is he going to free our good friend, our respected colleague, the member for Stormont, Dundas, and Glengarry (Mr. Ville-neuve) to vote his conscience, because he has been in favour of the local option? I say to both of them that they are both tyrants. They should free their members to vote their conscience.

**Mrs. Cunningham:** I hope the Premier was not joking today as he did last week in the House when I asked a question, because at this point in time I am going to go to the public and say that in fact the Premier is allowing the representatives of the public, the Liberal representatives, to truly represent the citizens who voted for them and to go and vote freely without any thoughts of reprisal or coercion or any pushing around by that particular government. That will be my statement.

**Mr. Speaker:** I was listening for a supplementary.

**Mrs. Cunningham:** Mr. Speaker, I was just clarifying that the Premier indeed did state that he will allow—

**Mr. Speaker:** Generally, we do that in debate, but this is question period. Do you have a supplementary?

**Mrs. Cunningham:** Yes, Mr. Speaker, I do have a supplementary. Will the Premier therefore clarify his statement, without joking, and say that he will allow a free vote without coercion and without any whips by his party?

**Hon. Mr. Peterson:** I say to my friend opposite that I have been in this House for a very long period of time and I think I understand the history of parliamentary democracy. Every

single member is voted by his own constituency, and ultimately, they are all free to make their own judgements. I am not paternalistic about this matter.

I do not have the power to force anyone to vote in any way he does not want to, any more than the member's leader has any power over her. She can stand in this House and vote in any way she wants to, as can her friend the member for Stormont, Dundas and Glengarry. Why not let him stand and vote the way he wants to? Members of the House will stand and vote on this bill in the way they want to, as they will on every other bill.

I just say to my friend that as she now has my commitment, why does she not stand up now and persuade her recalcitrant colleagues to move ahead and deal with this matter? Why do they keep wasting time around here, 58 days of debate? When are they going to bring this matter to fruition and let these members exercise their democratic rights to vote on behalf of all the people of this province?

#### HOME CARE

**Mr. Owen:** I have a question for the Minister of Community and Social Services. For some time, we have been addressing the problem of Red Cross deficits and what we are paying the visiting homemakers. The Simcoe county rate from our government is \$9.98 per hour, of which the homemaker gets an average of \$6.24 an hour plus mileage. I would like to ask the Legislature to go back and look at other considerations and problems that were raised in the interministerial committee on visiting homemaker services. It recommended that in addition to improving wages, homemakers should receive the benefits and employment standards protection accorded most workers in this province.

My question to the minister is, is he considering this kind of assistance be given in order to make the homemaker profession more attractive?

**Hon. Mr. Sweeney:** The purpose of the recent action was to give us some time to deal with that particular issue because eight agencies across the province, led by the Red Cross, indicated they were in immediate danger.

We have made it very clear that we appreciate the fact that if homemakers are going to do the kind of job required of them, then there has to be a different way of helping them prepare themselves through training, and that there has to be a greater recognition of the demands made upon them. Yes, the kinds of suggestions the honourable member has made are currently under



investigation by the Ministry of Health and myself.

**Mr. Owen:** The report also recommended that there be a requirement that homemakers receive appropriate training to go in and do their jobs. Sometimes there have been suggestions made that the job is not being properly done without this training. I would like to ask the minister, are they addressing this concern seriously and do we have any information or help as to whether or not a comprehensive framework will be considered to deal with the needs of the homemaker profession? I emphasize that I refer to it as a profession.

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**Hon. Mr. Sweeney:** One of the things we are coming to realize is the nature of the people who are requiring homemaker services. They have greater and greater needs than they did in the past as fewer and fewer people go into nursing homes and into institutions and as they are able to leave hospitals, particularly chronic care hospitals, at an earlier date.

That says very strongly to us that the people who are providing the service have to have a better range of ability and training than they have required in the past. Yes, that is part of the current negotiations that are going on.

#### MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT

**Mrs. Grier:** Last week, the Minister of the Environment responded to a question of mine by boasting about the effectiveness of the municipal-industrial strategy for abatement program and its premonitoring program for the petroleum industry. In fact, he said it had found dioxins in the waste water of Shell's refinery near Sarnia. I find that the sampling upon which that finding was based was done in July 1988. I would like to know when the minister became aware of that finding.

**Hon. Mr. Bradley:** As soon as I did, I know it was put out in a press release immediately. I cannot recall the exact date, but the very moment I became aware of it as minister, as we always do with these things, I put out a press release. The monitoring goes on from time to time. The testing goes on. The analysis goes on. As soon the results are brought to my attention, we put out a press release on it.

**Mrs. Grier:** The minister put out a press release on December 5, 1988. Does the minister deny that the residents' group in Wallaceburg was well aware of these findings early in

November, and that on November 30 it had alerted the local radio station? As soon as the minister became aware that there was going to be public knowledge of the findings, he then put out his press release. Can the minister confirm or deny that, and can he also tell us what other information he has that he has not yet decided to release?

**Hon. Mr. Bradley:** The member is moving pretty far in terms of the question she is asking. This is somewhat of a departure from what she normally would do. It becomes really an accusation, which I suppose I find offensive, but I was in opposition as well and I understand those.

I can tell this member that whenever I have information of that kind available, it is released at the very earliest opportunity. Where people would have discussions with others to get such information, I do not know. But all of our MISA monitoring and premonitoring and the results that come out are public. The MISA Advisory Committee has set up a regime and it, of course, contains a number of well-known environmentalists. It sets up a regime whereby this information is gathered on a very detailed basis and is released. We will continue to do that on a timely basis.

I will certainly look into the specific situation the member brings to my attention, but certainly that is there at all times. That is put out at all times.

#### DRUG ABUSE

**Mr. Runciman:** I have a question for the Solicitor General. She knows her colleague the member for Muskoka-Georgian Bay (Mr. Black) made some recommendations with respect to fighting the drug problem in Ontario. Those recommendations were tabled with the Premier (Mr. Peterson), I believe, in mid-October. A specific recommendation dealt with beefing up the Ontario Provincial Police's manpower to deal with the drug assault on this province. Now, three months later, no action has been undertaken. I am wondering where that proposal stands.

**Hon. Mrs. Smith:** The member will be glad to know that the OPP is examining its manpower, with the emphasis being placed more on drug prevention, as indeed it was committed to do at the time of the Black report.

**Mr. Runciman:** There was an awful lot of rhetoric at the time that report was tabled with respect to the urgency with which the government was going to deal with that problem, the



problem that is plaguing this province and this country and this continent.

I am wondering if the minister would confirm that she has asked the Ontario Provincial Police to find the necessary funds for this initiative within its own budget, that it will be forced to cut services elsewhere and that she has once again let the police down.

**Hon. Mrs. Smith:** As in all matters of this type, the big question is where the priorities of the police are. At present, they are examining this to see whether they have any need of further funding for this or whether it is simply a matter of changing priorities in order to provide the extra work within the drug field.

### TEACHERS

**Mr. Black:** My question is for the Minister of Education. For some time now there have been predictions of teacher shortages during the 1990s. That will be good news to my former teaching colleagues in the opposition parties, many of whom may be looking for employment after 1991. However, it is not necessarily good news for other people in this province.

There are some indications now that those predictions may in fact be incorrect and that the shortage of teachers in this province may occur as early as next September. Large boards of education are now out, for the first time in many years, actively recruiting new teachers. Many new teachers have been signed to contracts for next year. Is his ministry aware of the problem, and if so, is that his perception of the significance of the problem?

**Hon. Mr. Ward:** The member raises an issue that certainly has received a lot of attention over the course of the past several months. I would like to point out to the member that there are a number of factors that are contributing to what in fact is a short-term shortage of teaching professionals in specific areas; for instance, the early retirement of many teachers in this province, the extension of junior kindergarten and French immersion programs which are optional for boards, and the increase in preparation time. These are recent initiatives in terms of the reduction of pupil-teacher ratios in grade 1 and grade 2.

We were able to offset some of the impacts of that by moving to a three-year phase-in. I think it is important to note that the shortages that seem to exist are contained to specific areas of specialization. There is no question the expansion of French-language programs has contributed greatly to a shortage of French-language

specialists. We are looking at various ways we can address that short-term need. In terms of the bigger picture, I think it should be noted that the faculties this year will graduate over 4,000 potential teachers who—

**Mr. Speaker:** Thank you. I am sorry, but that seemed like a fairly good answer. I am sure the member will be able to find something in there to ask a supplementary about.

**Mr. Black:** I do, as a matter of fact, have a supplementary. That perception would indicate that the feeling of the ministry is that the shortages will continue to be in certain areas only. However, I have a concern that those shortages may extend to the profession generally and that in the not-too-distant future, we may be facing a very serious shortage of qualified teachers in this province. If that were so, what responses or what initiatives could his ministry take to deal with that problem?

**Hon. Mr. Ward:** As I was saying, the faculties of education will graduate approximately 4,000 potential new teachers in the coming year. It is expected there is an additional requirement for 3,000 teachers within the system, so clearly, the faculties are producing enough. But as I said, the problem is in areas of specialization; it is also in geographic regions, to which a number of factors contribute. My ministry, in conjunction with the Ministry of Colleges and Universities, has undertaken a study of the supply-and-demand situation as it exists for teachers.

We have also undertaken a two-year review of teacher education in this province. I expect those will be released and available in the very near future. We are considering various options in terms of responding to this situation of shortages in specific areas. But I want to stress that we will only respond to this problem, which is not expected to last very far into the future, in a fashion that clearly reflects our commitment to maintain the high quality of teaching professionalism in this province today.

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### LAND RECORDS

**Mr. Farnan:** My question is to the Minister of Consumer and Commercial Relations. His ministry has authorized the destruction of original land records and the instruments attached to these documents for the period 1868 to 1947. Will the minister confirm today that some of these records have already been shredded and will the minister make a commitment to this House that he will put a halt to the destruction of all further land



records, whether they are still in the various registry offices across Ontario or in or en route to warehouses for shredding?

**Hon. Mr. Wrye:** Certainly this has been a matter of some discussion with those individuals in particular, quite a lot of them, who are interested in this field. It is certainly my indication and my information that those discussions are continuing and that indeed the kind of activity that the honourable member speaks of is not occurring.

I can give the honourable member an assurance that I will look into the matter and see if anything has changed. The discussions between my ministry and the Archives of Ontario had been ongoing and until that time we had put a hold on everything, but I will certainly be pleased to check into it for the honourable member.

**Mr. Farnan:** Microfilm is no substitute for original documents, I would remind the minister, and I want to point out to the minister that the opening and the settling of most of northern Ontario falls within the period of the destruction of these documents, the period from 1868 to 1947. Therefore, part of this province's earliest records will not be kept if the destruction of records for this period continues.

The minister will be aware that Quebec has all its original land records stored so that they can be consulted. Will the minister give a guarantee that Ontario not only deserves the same right but also will get the same right?

**Hon. Mr. Wrye:** I thank the honourable member for asking a supplementary. It allowed me to check my notes, and I can confirm to him that as of the time of this last note, all the destruction of the documents—and some had begun—had been temporarily halted and discussions were taking place with the Archives of Ontario.

I think my honourable friend will want to acknowledge that one of the reasons for the original decision that was taken was simply, to some extent, the amount of space required and the volume of paper involved in that. Certainly, after discussions with appropriate people in the field, the view was that the putting on microfilm of part of that period from 1867 to 1945 was an appropriate action which reflected and respected the history of the province that my honourable friend refers to and indeed allows us to retain, with original documents, an appropriate period before 1867.

I will advise my friend personally if there have been any changes taking place which would change this answer in any way.

## MUNICIPAL FUNDING

**Mrs. Marland:** My question is to the Minister of Municipal Affairs. Under his government's municipal-industrial strategy for abatement program, municipalities will be expected to bear almost 70 per cent of the costs of implementing the terms of the municipal sector regulations to control industrial pollution through municipal sewers.

According to the discussion paper of the Minister of the Environment (Mr. Bradley), he will only fund 25 per cent of the program and he said, "Municipalities should go to cabinet for the remaining \$40 million." Will the minister give us his assurance that municipalities will be able to count on him for the \$40 million necessary to make the MISA program work?

**Hon. Mr. Eakins:** We have had discussions with the Association of Municipalities of Ontario and we have a meeting coming up very shortly with the association. We are continuing this discussion with them.

**Mrs. Marland:** I know that there is a meeting tomorrow with the municipalities of Ontario, and what they want to hear the minister say is that he will fund the \$40 million shortfall for this imposed MISA program. They do not want to hear that he is going to go on continuing with discussions.

**Mr. Speaker:** Is that the member's question? Will she put it?

**Mrs. Marland:** Yes, I do have a supplementary.

We have before us today a bill that will make municipalities responsible for providing provincial courthouse security. It will make them spend more money on policing. We also have the provincial government fobbing off the responsibility for Sunday shopping on to municipalities, which also means paying more for bylaw enforcement officers.

What the municipalities want to know is: Does this minister believe it makes sense to continue to hand off to municipalities his responsibilities as the advocate for municipalities without giving them adequate money to do his job?

**Hon. Mr. Eakins:** I feel in many ways that this government has provided very well to the municipalities of this province. Just yesterday my colleague announced some \$20 million of assistance, of government funding, to help all the municipalities across this province.

Certainly the contribution this government made to the municipalities last year meant that many of the mill rates were the lowest in many



years across this province. I feel that the commitment of this government to municipalities has been very good indeed.

### GREENHOUSE EFFECT

**Mr. Tatham:** My question is for the Minister of Natural Resources. Our first responsibility is to the earth, its preservation and its enhancement. We have all read stories in the press telling us about the global warming trend. Recently, a policy research group said that planting trees is the most beneficial and cost-effective option to slow the increase of carbon dioxide emissions into the atmosphere. Trees naturally consume carbon dioxide, store it and convert it into wood.

What are we doing at the provincial level to ensure that trees can form part of our defence against the global warming trend?

**Hon. Mr. Kerrio:** The member for Oxford presents a very timely question as it relates to the greenhouse effect. I recently watched a program on television by one of the astronauts, and he was pointing out that indeed Mother Earth has a very thin veil of atmospheric protection in relation to the distance it goes out beyond what we understand as the ground level.

We are certainly working to utilize all the potential we have to absorb carbon dioxide and we believe that the forests do indeed play a very important role. As a member of the Canadian Council of Forest Ministers, we had a presentation in western Canada last year about the greenhouse effect. I am very pleased to say that we are following up on initiatives I think will be very helpful: protecting our forests from fire—we spent some \$50 million last year to do that; planting some 160 million trees, the most ever in Ontario.

Those are the kinds of things we are doing. We are looking into the cloning of trees; we are looking into a progression of trees that will grow faster. Indeed, we are doing a great deal to make certain that our forests are part of the protection of the atmosphere that is being threatened.

**Mr. Tatham:** What provincial programs does the ministry offer to individuals who wish to make their own contribution to preventing the greenhouse effect?

**Hon. Mr. Kerrio:** In very recent times we have addressed programs that would be helpful in this regard. I have a couple here that I think are very important: the conservation land tax reduction program, which recognizes, encourages and supports the stewardship of certain classes of land and forests; and our private land forestry program provides information and education.

I have to tell you also that the Minister of the Environment is taking a lead role in making certain that there are things done which reduce the impact on the environment.

All those things taken into account are certainly going to point out that this government and the ministers in it who are directly involved are playing a very important role in not only recognizing the greenhouse effect but taking very important steps to see that we are protected to the degree we can be from this kind of involvement.

### NORTHERN ONTARIO HERITAGE FUND

**Miss Martel:** I have a question for the Minister of Northern Development concerning the northern Ontario heritage fund. I am sure members in this House will remember the fanfare that greeted the announcement in May 1987, with the budget that first talked about this fund. Members will remember that, in particular across the north, there was a great amount of fanfare as Liberal candidates talked about it. We heard about it again in the throne speech of November 1987 and the act was finally passed in June 1988.

I would like to ask the minister specifically how much money of the \$30 million allocated for this year has been spent on new projects in the north.

1500

**Hon. Mr. Fontaine:** I would like to thank the member for Sudbury East for her question. First of all, the Northern Ontario Heritage Fund Board has met seven times since we formed the board.

**Mr. B. Rae:** Were they all getting per diems from those meetings?

**Hon. Mr. Fontaine:** No. Since then, \$10 million has been committed for the new Norfund and we are studying six proposals.

**Miss Martel:** I specifically asked the minister how much money has been spent on new projects. I know that some of the money, about \$3 million to \$4 million, has been diverted to keep the Nordev program alive, but I would like to go back to a statement the minister made in Sudbury on November 17, 1988, when he said, "Next Thursday, in North Bay, we will start looking at applications, and I am pretty sure money will be flowing before Christmas."

I would like to ask the minister again, given that I do not think any money has been spent so far on new projects, can we expect some projects to be funded before this fiscal year ends?

**Hon. Mr. Fontaine:** I said a few minutes ago that \$10 million was committed to the new Norfund—it is not Nordev—which includes small



business assistance with different criteria, and out of this fund, there was \$2.9 million that flowed before the end of 1988.

### TRAINING FOR FIREFIGHTERS

**Mr. Villeneuve:** I have a question for the Solicitor General. Several weeks ago, I questioned the Minister of Skills Development (Mr. Curling) and he advised me, "I brought to the attention of the Solicitor General that my ministry and the Ministry of the Solicitor General are working out the most appropriate way to fund the Stormont, Dundas and Glengarry mutual fire aid course," which began last night. Can the minister tell me what progress is happening here?

**Hon. Mrs. Smith:** I thank the member for the question. I know that the whole question of volunteer firefighters is very important within this province. We are addressing it and looking for new and creative solutions for training. However, I know that the member has spoken to the Minister of Skills Development and they have run into some difficulties over the use of that ministry for this kind of training. This is being looked at and will continue to be looked at. In the meantime, we will continue to address ways in which we can improve the training facilities available to volunteer firefighters.

**Mr. Villeneuve:** The training started this week, and it is a very worthwhile project. We have to keep our volunteer, part-time firemen trained to meet whatever occurs in rural Ontario. In the riding I represent there are no full-time firemen. Can I bring back information to them this weekend that the Solicitor General will fund this very worthwhile training project?

**Hon. Mrs. Smith:** Indeed, there are many parts of this province that are primarily served by volunteer firefighters. It is not a problem that is unique to this member's riding. The whole problem is being looked at. As the member knows, there are programs of firefighter training that are under my ministry. I have met with people from various parts of this province who have suggestions on how the delivery of these programs might be improved, and we are examining all these suggestions.

### FISHING LICENCE REVENUES

**Mr. McLean:** I have a question for the Minister of Natural Resources. Over the last period of time, the hunters, anglers and all the sports people in Ontario are very upset with regard to the \$10 fee the minister has put on for a licence, one of which I have. The minister indicated the funds would go to help the sport

fishing, inspectors and what not, but he has not lived up to that commitment. When is he going to resign?

**Hon. Mr. Kerrio:** I am disappointed that the Premier (Mr. Peterson) is not here, because I want to reassure him that I am not going to resign.

The fact of the matter is this question sounds a little bit like the triple play in baseball, Tinker to Evers to Chance, and I give the same answer every time. When we put in a licence to enhance the fishing opportunities in Ontario, from day one, before the licence was issued, we said—and the sportsmen agreed—that we would have to have more conservation officers to make certain they could protect the resource. That has happened; that has never changed. I am very disappointed in the people on the other side who would make the comment that this was not the case.

I have all kinds of proof here that even before the licence was put into effect, the commitment was made that we needed more conservation officers. They were put in place; I lived up to the agreement. All the money that was raised through the licence has been put into fisheries. It has been directed by Dr. Crossman, the chairman of the Ontario Fisheries Advisory Council across the province. Everything that was promised has been done. When we do something as good as that, the members opposite cannot stand it.

### NOTICE OF DISSATISFACTION

**Mr. Speaker:** The member for Nickel Belt (Mr. Laughren) would want me to remind all members that according to standing order 30, he has given notice of his dissatisfaction with the answer to his question given yesterday by the Minister of Labour (Mr. Sorbara) regarding workers' compensation. I am certain all members will want to join with us here for the late show. It will be debated at six o'clock.

### PETITIONS

#### CHURCH OF SCIENTOLOGY

**Mr. Matrondola:** Yesterday in my office I was given a petition from the Church of Scientology in Toronto and I was asked to present it. The petition is signed by some 740 people, very few of whom live in Willowdale. The rest reside in Metropolitan Toronto and other areas. The petition reads as follows:

"To the Honourable the Lieutenant Governor and Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas the crown in the province of Ontario continues a lengthy, futile and expensive prosecution against the Church of Scientology; and

"Whereas at no time in recorded history has an entire church been charged with a criminal offence for the actions of individuals, and freedom of religion in the province is at risk; and

"Whereas the alleged offences occurred over a decade ago and those responsible have been expelled from the church or rehabilitated;

"We petition the Attorney General and the government of Ontario to withdraw the charges against the church and end this prosecution."

I submit the said petition with a caveat that I will sign this petition because I am obligated to do so under standing order 31(b), in order to allow the petition to be entered into the record and for no other reason whatsoever.

### HOME CARE

**Mr. D. R. Cooke:** I have a petition here that I will send to the table. If it is in order, they can keep it; otherwise, they can send it back.

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"The Canadian Red Cross Society, Ontario division, homemaker service, as part of the government's home care program, provides service to the elderly, handicapped, ill or convalescent in order that they may remain in their own homes. This care is a much less expensive alternative to institutionalization. The Red Cross homemaker service, the largest not-for-profit homemaking agency in Ontario, requests the parliament of Ontario to assist in the operation of this essential service so that it may continue to be viable. The Red Cross homemaker service is currently in a crisis situation, having a deficit of \$1.1 million which is threatening our ability to continue to serve the people of the province."

There are 448 names.

### REPORT BY COMMITTEE

#### STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

Mr. D. R. Cooke from the standing committee on finance and economic affairs presented the following report and moved its adoption:

Your committee begs to report the following bill without amendment:

Bill 122, An Act to amend the Retail Sales Tax Act.

Motion agreed to.

Bill ordered for third reading.

1510

### INTRODUCTION OF BILL MUNICIPAL AMENDMENT ACT

Hon. Mr. Eakins moved first reading of Bill 201, An Act to amend the Municipal Act.

Motion agreed to.

**Hon. Mr. Eakins:** This legislation deals with the waste management authority of counties. At present, only local municipalities and counties have waste management authority. Counties do not have any waste management powers. Many local municipalities are finding modern waste management beyond their means. This legislation resolves this problem by allowing local municipalities to combine their resources at the county level and deal with their waste management problems collectively.

**Mr. Laughren:** A sort of local option.

**Mr. Speaker:** Orders of the day.

**Hon. Mr. Conway:** To settle the member for Nickel Belt, Mr. Speaker, I happily call the seventh order.

### ORDERS OF THE DAY

#### METROPOLITAN TORONTO POLICE FORCE COMPLAINTS AMENDMENT ACT

Resuming the adjourned debate on the motion for second reading of Bill 4, An Act to amend the Metropolitan Toronto Police Force Complaints Act, 1984.

**Mr. Speaker:** I believe the member for Carleton, after his lengthy remarks yesterday, had some further remarks.

**Hon. Mr. Conway:** There is only one subject where I know he would give a longer speech. Norm has papers today.

**An hon. member:** For all the wrong reasons.

**Mr. Sterling:** That is right.

It is interesting. Before I comment on this, I was reported in the press for some extraneous reason regarding our compensation here. I got a call from a member of my family saying my press was not as good as my son's press today. My son was reported in the sports section of the Ottawa Citizen. Last night, South Carleton High School played St. Pius X High School. The score was 9-0 for South Carleton, which my son plays for. My son got nine points in that particular game and now leads the scoring in the Ottawa-Carleton



area in the high school league. That is the good press.

**Mr. Speaker:** That is good and that would make a good member's statement.

**Mr. Sterling:** At any rate, today we are extending our discussions on Bill 4, which is An Act to amend the Metropolitan Toronto Police Force Complaints Act, 1984.

This act, as probably other speakers have indicated, is an act that deals with the problem a member of the public might have with the actions of a police officer while he is on duty. One of my concerns about this act is the justification this government brings forward in order to change the existing act because we have a police force complaints mechanism only in the city of Toronto.

When the Attorney General (Mr. Scott) was speaking about this bill, which extends the mechanism now available in the city of Toronto to any other municipality across Ontario that might want to have this kind of mechanism, his rationale behind bringing forward this bill was stated on November 19, 1986, when this was first brought forward in debate. His rationale was that if a person has a complaint outside Metro Toronto, he has really only two choices to complain about police actions. He can go to the police chief of that particular force or to the commissioners of that police force and ultimately he has an appeal mechanism that takes him to the Ontario Police Commission.

The problem with the process as it now exists is the appearance, the fact that the police are investigating their own actions and that many of the hearings that take place are done behind closed doors.

In talking to the various police groups, I was able to determine that the police recognize there is a problem with the existing procedures that are in the Police Act for members of the public to complain about a police action. The police of our province are quite willing to revamp the existing procedure to allow public participation, to allow hearings in public, and therefore, not only to do justice but also to give the appearance of justice to someone who has a legitimate complaint against police actions.

The problem police see with this kind of mechanism we have in front of us today is, number one, that it is not appropriate for every municipality across Ontario. I believe we have some 50-odd different police forces across our province. The Metropolitan Toronto Police Force, I believe, numbers in excess of 5,000. In other municipalities across this province, we

have police forces that have one or two officers within their police force.

Therefore, the prospect of setting up a police complaints mechanism, as envisaged by the Metro Toronto example or experiment, is not practical when you take it down to the town of Kemptville which has four officers, I believe, the town of Cardinal which has either one or two officers, or the town of Prescott which has about a dozen officers. What I complain about with regard to this piece of legislation is that it leaves communities like those I have mentioned without an adequate appeal mechanism that will satisfy the public's curiosity and its right to legitimately complain about a police action.

One of the other problems with this piece of legislation is the understanding by the public of exactly what the bill allows the police complaints commissioner to do, if in fact there is a legitimate complaint. I think many of the public are under the impression that if a municipality opts to pick up this mechanism to investigate a police action, it will give a member of the public some right of redress in the form of compensation or some criminal action against a police officer.

That is not the case in this bill. The police complaints commissioner has the sanction to recommend that a police officer be discharged or dismissed from a police force or that some kind of penalty be taken against a particular police officer. Therefore, although the member of the public may have had a legitimate complaint against a police officer, he must then go to the civil courts system in order to gain compensation for whatever wrong was done to him or her. So the bill is lacking in that sense as well.

On November 18, the day before this piece of legislation was introduced, the then Solicitor General, the member for Kingston and The Islands (Mr. Keyes), was having his estimates. I explained at that time some concerns I had with regard to this piece of legislation.

**1520**

One of the concerns I had was the fact that it appears from this piece of legislation that a municipality has the option to adopt or invite in a police complaints commissioner, but it is not clear in this legislation that it has the right to opt out of this particular kind of complaints mechanism.

I spoke about it at that time. I think it is important in two aspects. The first is that under the present situation with Metropolitan Toronto, the province of Ontario is paying for approximately 50 per cent of the running of the public complaints commissioner's office. If in fact a



municipality opts into this arrangement, it will be done with the understanding that the province is going to be participate in funding that particular office.

I think it is necessary that the municipality have some bargaining power when it gets to the table with the province, to ensure the province maintains its continued support for these kinds of offices if they are adopted across the province.

The second reason I believe it is necessary to have an opting-out clause with regard to a police complaints commissioner, although I think it would happen very rarely, is that our Solicitor General (Mrs. Smith) may come forward with an act to amend the Police Act whereby there would be a more reasonable process for the public at large to complain about police actions, which I referred to in my remarks some five or 10 minutes ago.

There are only two extremes in terms of mechanisms that a municipality now has to choose from. That may not be the situation in one or two years from now if the Solicitor General brings forward badly needed changes to the Police Act. So I want to give the option to a municipality that might be having difficulty with the existing method of complaining about police actions. They do not think that is adequate so they jump from the present procedure, which is basically held behind closed doors, to a police complaints commissioner, but when they see another kind of option offered, they may want to go back to that particular option. I want to ensure that those municipalities will have the right, upon adequate notice to the police commissioner who is there, to be able to take another option at that time.

Therefore, it had been my intention to put this piece of legislation into committee of the whole House and put forward an amendment, which I am happy to say the Attorney General has agreed to support, to amend the Metropolitan Toronto Police Force Complaints Act to allow a municipality to opt out if it gives reasonable notice that it wants to opt out of this mechanism.

Having said that and having been consulted by the Attorney General, who has accepted a reasonable amendment, I am glad to say that my party will of course support this piece of legislation on second reading. If the amendment is brought forward and supported in committee, then we will support the amendment when it comes back on third reading.

I understand the New Democratic Party wants to send this bill out for hearings. We will participate constructively in them.

**Mr. McClelland:** I have a few brief comments. I am pleased to join in the debate on second reading of this bill. Last Thursday, when I had a brief comment, I said I wanted to associate myself with a few of the comments made, including comments made by my friend the member for Mississauga South (Mrs. Marland).

At that time I hoped that you, Mr. Speaker, and the members of this House would forgive me for being somewhat parochial. But she made some comment with respect to the Peel Region Police Force and I, too, wanted to echo some of her comments with respect to the high quality and calibre of men and women serving on that force.

I have had an opportunity, as have my friends opposite, to speak with police officers on my force and other forces, on this and other issues. I have some comments that I think might be relevant to the discussion on this bill.

Not too long ago I was quoted fairly extensively with respect to some comments on Bill 4. One thing I really want to underscore that flows from that is that I believe that by and large and for the most part, particularly in the region of Peel, the process we now have in place is working well. I was quoted as saying, and indeed it is true, that in the six weeks prior to Christmas, more or less, I received some 17 complaints in my office from constituents that ranged from—if I could classify it as such—poor judgement to allegations, and I stress they were allegations, of brutality by police officers.

Upon receiving those complaints, I indicated to them the process that was in place. To the best of my knowledge, 15 of those 17 have been satisfied. I think that is indicative of the fact the process works very well.

Having said that, I also want to stress that does not necessarily mean the two outstanding complaints will not be dealt with, and dealt with to the satisfaction of the individuals concerned. They may or may not be. Time will tell.

My concern with respect to the process of complaints levelled against the police is the perception of the public. I have said, and it seems to me reasonable to suggest, that the success of the police in my community and communities across this province is very much dependent upon the goodwill and respect the citizens have for the police and the work they do. I think, likewise, the community benefits tremendously from the respect the police have for the citizens in the community. It is a reciprocal relationship. When it begins to break down, everyone is hurt by it.



It seems to me that in those very few cases, in those instances where a citizen feels his or her complaint has not been appropriately satisfied within the process of internal complaints, in bringing the concerns to the commission—indeed, part of it is the lack of understanding some citizens have of the processes that are available to them—I think we as public representatives have a responsibility and opportunity to help them understand what remedies are currently available to them.

Having said that, in those circumstances where the process does not appear to work, I think there begins to be an erosion in confidence of the citizen. When that happens everybody suffers, including the police officers. I think they have a sense of lower morale on the job and feel the citizens are not behind them.

It seems to me that having a process whereby there is a civilian complaints procedure as envisaged by the expansion in Bill 4, providing the opportunity to expand that in other parts of that province, accomplishes a couple of things that are very important.

Paramount is the fact that it brings an opportunity for the citizen to feel that his or her complaint has been dealt with in a public, open forum and that he or she has been given complete satisfaction. That is paramount and very critical. As I said before, I believe the tremendous work that is done by our police officers is dependent on that confidence which everyone in the community has in the officers of the forces.

What it also does, it seems to me—I know there is a difference of opinion among the police officers to whom I have spoken—is that it provides a tremendous opportunity for police officers to have their confidence restored in the public perception they know is out there. They have a sense that: “I am not tainted by allegations that remain unsatisfied. I feel good about what I am doing and know the people of my community are with me.”

**1530**

I think there are certainly two benefits, if not many others, that can be derived that are very important for the citizen and equally as important, not only for the police officer who has the allegation rendered against him or her but also for all of the other officers in the force. I think that is very important.

I wanted to make it very clear with respect to some of the comments that have been attributed to me in the press as well on this particular bill and my comments with respect to it, and I will be very candid about this, there has been an element

of racism in some of the complaints that have been brought to me. I am quoted in the paper as saying that the vast majority—indeed, I am quoted as saying 15 of the 17 complaints—were from people of black or East Indian origin. That indeed is the case, but I also want to stress and make it very clear that those happen to be of those 17 complaints and that may not represent the total scope of complaints that were brought in our jurisdiction.

But it is because of that type of image that is created, the seeds of the idea of an existing problem that may not in fact exist being sown in articles that are printed or stories that are told, that I think the process of giving a complete public airing in those situations where the citizen remains unsatisfied is very important.

I want to make a couple of brief comments about the scope and timing of the implementation of Bill 4 in other parts of the province.

My friend the member for Oshawa (Mr. Breagh) made some comments yesterday that I think were very thoughtful and had great merit and consideration. I was pleased that the Solicitor General was here to respond to his comments and invite his input as we look, as a government, to dealing with the new Police Act.

I suppose that if I were to have my preference, I would like to see in this particular piece of legislation more direction with respect to the implementation of a citizens' complaints process in other jurisdictions across the province, rather than making it an opt-in option.

Having said that, I also believe that the opt-in option has some positive aspects to it. I think there are some forces that will look very closely at the opportunity that is afforded them under the terms of this bill. I think it may also provide a tremendous opportunity for transition as we move towards the writing of a new piece of legislation, the new Police Act, and will provide those police forces that see it as appropriate an opportunity to look at ways they may implement a civilian complaints process in their community.

Although I would have a preference that it have more direction and more clout, if you will, in terms of bringing a process on stream with more definition and more explicitly, I also think there is a benefit that it can be brought on in a co-operative and a thoughtful manner by police forces that will take leadership in this area. As police forces look closely at their work in the community, they will examine the merits of this, and I am convinced that in many cases they will see the merit of establishing a citizens' complaint process and implementing it in their community.



I look forward to that happening and I trust that police forces across this province will do that and I look forward to the possibility that the same type of process may be in place for Ontario Provincial Police officers, particularly, for the reasons I have mentioned before.

I am pleased to add my support personally, as the member for Brampton North and someone who resides in the region of Peel, having said that I believe the police in Peel are among the finest in this country. I think my friends would forgive me again for that parochial statement. I notice my friend the member for Riverdale (Mr. Reville) nodding his approval. I really do believe that, in all sincerity.

Having spent four months working with the police force in this province, I understand that sense of the adrenalin pumping as I was sworn in to accept my responsibilities working with the police force, the sense of apprehension as I went on my first patrol, experiencing the literally moment-by-moment uncertainties of police officers on the job and the tremendous tensions that they operate under and the tremendous responsibility they take for the benefit of all of us in this fine province. Because of that, I think we have to give them every opportunity to do their job as best they can.

I firmly believe that the implementation of this bill will provide them with an opportunity to do their job even better than they are doing it currently, and I am delighted to speak in support of it.

**Mr. Reville:** I want to make a few remarks today respecting Bill 4, An Act to amend the Metropolitan Toronto Police Force Complaints Act. Quite often the titles of acts are more descriptive than this one happens to be, because this act is not really about Metropolitan Toronto Police Force complaints at all; it is about the opportunity the act provides for other municipalities to structure a police complaints mechanism.

That is an opportunity I believe is both overdue and significant as well as important. I regret, as do the the member for Rainy River (Mr. Hampton) and the rest of my caucus, that all municipalities are not required to have a police complaints procedure. The optional nature of this legislation is my chief concern about it and my chief regret in respect of the legislation.

The other regret is that the Ontario Provincial Police will not be subject to a police complaints procedure of this nature. We have to wait until the Solicitor General introduces the much-promised new Police Act before we will know just what kind of complaints procedure will be

available to those who have concerns about the conduct of the provincial police.

I do want to make a few remarks about my own experience with the Metropolitan Toronto Police complaints procedure and the history thereof. As it happens, the majority of the members who are currently sitting in the House at this moment are here as a result of elections in 1985 or 1987, although there are some veterans here who have seen and know much more than I will ever see or know. I did want to say a few words about the history of the Metropolitan Toronto Police Force complaints procedure just in case members are not as aware of it as they might be.

I had an opportunity to have some involvement in the development of the police force complaints procedure in Metro, partially because of my role as an alderman on Toronto city council during the period when the question of the relationship between the police and the community was of much interest to not only local politicians but to many citizens. Those who were in the Legislature at that time will remember the debates which were undertaken in the House and will remember particularly the remarks of my predecessor, the former member for Riverdale, Jim Renwick, who had a great many things to say about how the public should be served when it has concerns about the way a police force has behaved.

As a member of the council of the city of Toronto, I had occasion on a number of occasions to think about and discuss this matter with my colleagues. Some members will remember the bathhouse raids of 1981 and the incredible outpouring of concern which was evident at that time about the conduct of the police and may have spoken with some of the lawyers who came together in a defence fund. Members would perhaps know about the Right To Privacy Committee that was formed as a response to the bathhouse raids.

Members may also remember that in the end almost none of the charges which were laid were followed by convictions and that in fact the gay community felt very much that the police had behaved inappropriately.

**1540**

The other side to that story, and the story of the Metropolitan Toronto Police Force Complaints Act in its original form, related to repeated concerns expressed by members of the black community, in the main, that in its relationship with the police force there was much to be desired.

A number of responses were developed to those concerns. The council of Metropolitan



Toronto established a number of committees and a number of bureaucracies to investigate the question of police-community relations, as did the city of Toronto.

At the time, I was representing a downtown ward which has a somewhat different geography than does Riverdale—it is primarily the provincial riding of St. George-St. David, as it now is—and within that municipal political geography were Regent Park and St. Jamestown, both of which are home to large numbers of people from other cultures, primarily, at that time, West Indian blacks. As the local representative, I had the responsibility to listen to the concerns of my constituents, and among the most concerned were the representatives of young West Indian black males. In fact, there were a number of groups that formed specifically around issues related to police-community relationships.

I think my colleague the member for Oshawa said yesterday that he had not seen but once the storming of a police station by the community. I have seen the storming of a police station by the community on several occasions, and the kind of calm response that was described by the member for Oshawa is not my recollection of the stormings that I witnessed.

That is because there was a very strong perception, particularly in Regent Park, that the police did not understand the culture of the people who lived there and that the police were not sensitive to the ways in which people from the West Indies were familiar with socializing and particularly that there was a very strong bias against young men from the West Indies, to the extent that the citizens' group that sprang up to give voice to these concerns began to collect examples of the kinds of concerns that they had.

With my fellow alderperson, who was at the time Joanne Campbell, I went to see the chief of police and as well the leadership of 51 division, so that we could make the leadership of the Metropolitan Toronto Police Force aware of the concerns that were being brought to us. While we were accorded a polite hearing, we were not satisfied with the response of the police force at all.

What we then did was that we went and talked to Sidney Linden, who was at the time running the police complaints procedure in Metropolitan Toronto, and we brought to Mr. Linden 18 documented cases of incidents that had occurred, particularly in the Regent Park area, in which citizens had reason to complain about the behaviour of the police.

We said to Mr. Linden that we think this may not be a case in which we should have regard only to dates, times and places; that we must respond to the perceptions that a community has; that we must not be strictly legalistic about this; that this is not a court of law; that the ordinary rules of evidence should not be applied to this case, but that we needed a response that took seriously the perceptions that were being expressed by large numbers of people.

What was clear to me and to my colleague was that the perceptions were deeply felt and the beliefs were deeply held, regardless of whether strict proof of the allegations could be provided.

We were pleased that the Metropolitan Toronto police complaints procedure that we then had was able to respond to that situation. Thankfully, the situation did not include people dying but involved the more common kinds of concerns that we hear about from time to time, which some criminologists refer to as police-caused crime. For those members of the Legislature who cannot imagine such a turn of events, a police-caused crime relates to charges that are laid that would not have been laid without the intervention of police.

If members were to spend some time in Regent Park, they would understand instinctively what I am talking about. What frequently happens is that some lads are standing over by the Root and Burger having a chat and along comes Officer O'Malley—this of course is a fictitious name—and he says, "Good morning, lads." They say—I know Hansard cannot describe it; they do not say, "Good morning, Officer O'Malley." They say something else, which might be interpreted as rude in some circles, but in fact is just some young lads feeling their oats and being tough or smart-aleck.

Officer O'Malley scratches his head and walks on a few steps further and then has to make a decision as to whether this sort of offence to the uniform and to those who would serve and protect should be just kind of passed off and he should continue on down the avenue, or he should go back and talk to the lads.

On occasion, regrettably, Officer O'Malley decides that he should go over and stop and talk to the lads. One thing leads to the other. The lads make the odd remark and, sure enough, one of the lads is up against the wall with his hands behind his back with some cuffs on and he is being charged with resisting arrest or obstructing justice or assaulting police.

Sure enough, the mother at home gets the phone call that she has been expecting for some



time now, because her lad is 15. I cannot tell members how upsetting it is to have a black woman say to one that it is her expectation that one of the rites of passage for her son or sons will be that they will have a criminal record before they are very old. I can tell you, Mr. Speaker, that that black mother believes her son will have a criminal record not because he has broken the law but merely because he is black. That is a serious problem for our society to confront.

I am not alleging, as I am sure members understand, that in fact the lad was arrested because he was black, because I do not know; but I do allege that the boy's mother believes that is the case, and as long as she believes that is the case, we have a problem that we have to resolve. One of the ways we can resolve problems like this is to have a police complaints procedure in place which is seen to respond to the concerns people bring to it.

1550

I want to say that, by and large, overall, I am quite satisfied with the way in which our police complaints procedure in Metropolitan Toronto has operated. I want to say as well, referring back to the group of cases that was brought before Mr. Linden when he was the co-ordinator, that we were very pleased not only with the effort that was put into the resolution of this police community relations problem by the police complaints procedure but also with the way the Metropolitan Toronto Police Force responded to the suggestions of the complaints commissioner.

In fact, some fairly basic changes were effected in the way Regent Park was being policed. Some of them were really simple and had to do with where the police cruiser traditionally parked. Members of the Legislature may find it a bit odd that it would be a problem that a police cruiser might park in a particular place, but it was a problem because it seemed provocative and unnecessary. When the yellow car would drive across the lawn to take up its position to do daily surveillance, people thought that was offensive. They were not allowed to drive across the lawn. If they sat and did a surveillance on their neighbours, they would expect to be told in no uncertain terms that was inappropriate.

When there is a call in the Regent Park area nowadays for something minor like the light over a licence plate being out, we now hope that seven cruisers will not arrive to respond to this flagrant abuse of the law and threat to the public of the light being burned out over the licence plate. That sort of thing used to happen all the time. The cruisers would arrive with the sirens wailing in

front of a 13-storey building and, of course, everybody would come down to see what was going on. They would discover that the problem was that there was a light out over the licence plate.

They thought—I am not sure why they thought this—this was an excessive police response. Regrettably, sometimes people said to the police, “I think you are responding in an excessive way to this light being burned out over a licence plate.” Then, of course, there would be a number of arrests that would flow from what I agree was an inappropriate police response.

I certainly hope that sort of response does not occur often, and if it does occur in other areas, citizens will have somewhere to take their concerns and we can anticipate that the same kind of helpful, constructive response will be forthcoming as we saw from the Metropolitan Toronto police complaints outfit with respect to the situation that I mentioned.

I had occasion on behalf of my own son to lay a complaint when I felt he had been beaten up by the police. Again, I want to report that I was pleased that the police complaints procedure was available to me and I was pleased with the results of the investigation. I am not at all pleased with the continuing perception that young people, particularly young men, get beaten up by the police, particularly if they are hanging around particular places.

I do hope that the public can feel assured that if those kinds of concerns are on their minds, they have somewhere to take them. That is why I think it is particularly important to amend this legislation to make a police complaints procedure mandatory across this province.

I do hope that we will have an opportunity to hear more from the public. Clearly, it is a timely initiative. Right at the moment the media is carrying the concerns of a lot of people about the way police forces are operated, who is in charge of police forces and what is appropriate in terms of a response by police to various kinds of situations that occur. I do not believe it will be the most calm set of hearings we have ever had, but this is about a subject that affects people a great deal. I suggest that we need to provide an opportunity for people to state their views.

Yesterday my colleague the member for Oshawa spoke about the difficult job that the police have and how grateful we are as citizens that the police do their job so well. I certainly want to associate myself with those remarks. I have had an opportunity, as he points out that he has had and that we all have had, to work closely



with the police force and police forces to develop solutions to problems that we experience in our ridings and in our communities. I have in fact been delighted with the relationship that has developed between my office and the police force in Metropolitan Toronto.

That said, I think that some of the structure of police forces and policing creates problems. I think that those problems need to be addressed from time to time. I think that members of the public must be assured that if they have a complaint to make, that complaint will be investigated by people who are totally unbiased and who have no organizational stake to protect.

I would invite members who are interested to pick up the book that was written by a former colleague of mine and a former appointee of this government, John Sewell. He identified a number of the problems that policing is heir to and a number of the problems that are caused by the difficulty of the mandate that the police have. In fact, it is a mandate that is not always crystal-clear and it is a mandate that has ingredients that are sometimes contradictory. Those kinds of conflicts sometimes produce behaviour that the public will have reason to complain about.

I look forward to the hearings that I anticipate will be held into this legislation and urge the members of the Legislature to give very strong consideration to the advisability of requiring municipalities to buy into a police complaints procedure.

1600

**Mr. Hampton:** I have had the advantage of listening to a great number of members of the Legislature speak on this bill and of engaging in several conversations with the parliamentary assistant for the Ministry of the Attorney General back and forth over different parts of the legislation. I have also had the advantage of speaking to a number of municipal police forces, including the municipality of Metropolitan Toronto, and of speaking to a number of citizens groups which are also concerned with this legislation.

I want to reiterate some of the comments my colleagues on this side of the House have made and to state again where we stand on the fundamentals of this bill. I should start perhaps by echoing what my leader said last week on this bill. He basically said there are some fundamental issues of human rights involved in this bill, issues that concern not only us here in this province but also nations all around the world.

One of the documents which is quite interesting, and I would recommend it as reading for a number of members, is the proceedings of a conference that was held here in October 1985, called Proceedings of the First International Conference on Civilian Oversight of Law Enforcement. Ironically, both the current Attorney General and the former Solicitor General spoke at that conference and took part in that conference.

We are dealing with a problem that stretches far and wide beyond this province and it deals with a fundamental question of human rights, a fundamental question of social order: What should the relationship be between the police on the one hand and citizens on the other?

We give police officers a great deal of authority in our society. We expect a lot of them, and generally they perform to the highest degree. I think we all recognize that. But putting that aside, we must also recognize that there are problems and that our society has become more complex in a number of ways: more complex racially; more complex in terms of the different communities to be found within one metropolitan area; more complex in the sense that I come from a remote part of the province in northwestern Ontario which is far different from Metropolitan Toronto, far different in social makeup, far different in some of the social values and far different just in terms of geographical distribution of people.

Invariably, in all of our communities we have police forces, and invariably conflicts will arise between the police and between our citizens. We have to find a means which both the police and the public at large find acceptable in terms of mediating those disputes or investigating them or getting them solved.

The government has said that this bill is the best it can do. I just review the Attorney General's statement given last week at this time. He said, "This is not the ultimate bill," but this is the best the government can do at this stage. I want to go through the bill very briefly to point out why the government has to do better, why this bill just will not work and why we think this bill will lead to more problems, not less.

First, it is the question of—and I do not mean this in a derogatory sense—the local option again. Several members from our side of the House have spoken about this, the idea that a citizen, if he lives in Metropolitan Toronto, has a right to ask for a civilian review and has the right to launch a complaint with the police complaints body, which will, at a second stage, be a civilian



review. The idea that a citizen has that right in Toronto but might not have it in Oshawa, Peel or Thunder Bay is really a serious, serious issue.

It is serious enough to do it on an issue of whether a community will have a pause day on a Sunday or not or whether stores will be open on a Sunday or not. That creates a certain level of social chaos in and of itself. As a member of the standing committee on administration of justice, I heard 400 submissions this summer on why these kinds of local options are not good, why they are not workable and why they will cause problems in the long run.

To now suggest that we can have a local option on something that is as serious as the relationship between the police and the citizenry—I must ask: Where is the government's thinking? Where is its thinking cap? That cannot be a workable system for very long in our society.

I realize, as I said, that the government has a difficult job. There are citizens on the one hand who may have complaints about the police and there is some insecurity from selected police forces in terms of not being sure what kind of review they are getting into. They are not sure they like the procedures, they are not sure they like what the outcomes might be.

However, this elected government is merely attempting to have this law passed and then to say to the municipalities or to say when there are complaints about police forces, "Well, the mechanism's there; go back to your municipality." In a practical sense, that is what I see coming out of this bill, and that cannot be allowed to happen.

When there are problems that can be that serious—and we need only look at the news media for the past two weeks or six months to realize how serious those problems can become—this kind of solution, this incremental local option, just will not deal with them. The government is asking for more trouble.

It just is no answer to say: "Well, the mechanism's there. Go harp at your municipal politicians and make them do something." It will not wash. I think it is a sad day for this government to try that approach, to try to slough it on to municipalities. We cannot support it, because we do not think it will work and we do not think it is right.

The second problem, which again I think was expressed very ably by my colleague the member for Oshawa, is that the government cannot have a situation whereby conduct by a municipal officer can be investigated by a civilian review formula, yet conduct by an Ontario Provincial Police

officer is excluded. As was pointed out, there are all kinds of communities across this province where the OPP are in essence the municipal police force. Most of the communities in my riding fall into that category. To exclude the OPP is, again, something that just will not wash in practical terms. It is wrong.

Finally, we are given a bill that was introduced in in Metropolitan Toronto. We are not given a refined Metropolitan Toronto bill; we are simply given the Metropolitan Toronto bill and we are asked to apply it to other communities outside of Metropolitan Toronto.

I want to tell the parliamentary assistant to the Attorney General that we already have all kinds of complaints about the existing Metropolitan Toronto Police Force Complaints Act, and they come from both sides. If the government had brought to the House a refined bill, a bill that dealt with some of the problems that are already there, that would at least be an improvement.

Let me just give members an example of some of the comments we hear: Many citizens are quite upset that they must go through an internal police force investigation of the complaint before it goes to the independent complaints commission. Many citizens feel that is not a proper system.

#### 1610

As the member for Oshawa indicated yesterday, you can find police officers who are not happy with that system, who are not happy with the sometimes rigid internal discipline that is imposed internally in a police force when a complaint is investigated. So we have heard complaints about that.

We have also heard complaints from individual police officers about the way in which the present act is being interpreted by the courts in the sense that officers feel their private conduct, what they do off duty, should not be the subject of or should not be reviewed by the existing Metropolitan Toronto Police Force Complaints Act.

It should not be the subject of that review, yet we have had complaints that it is. Police officers have said to me: "If I show someone my badge and I express to him that I am a police officer and I somehow misconduct myself while doing that, I think that is fair game for this kind of review. But if I am off duty and I somehow get into an altercation with someone, without representing myself as a police officer, I am just a private citizen. That should not be reviewed."

Yet I have been told that has happened on some occasions. If it has, that is something that needs to be looked at. That is a problem with the



existing law that I would not feel comfortable extending on to the province, even if it is on some sort of optional basis.

Finally, the problem we have with what is before us is that there is no built-in review process. I want to quote the Attorney General again because he made this statement in his comments earlier on. I would take, from his comments, that there should be some sort of internal review. Last Thursday, he said that this is not the ultimate bill and that in some ways it is unsatisfactory. Then he said: "I simply draw to his attention," and he is speaking here to the leader of our party, "what Sydney Linden, who founded the Metro police complaints commission, had to say when he was confronted by this incremental approach. He said he thought it was not only appropriate but wise to do this exercise in three stages."

The Attorney General insists that with this bill we are now at the second stage. If we were indeed at the second stage, we would have liked to have seen some refinements of what was at the first stage. If indeed there is this staged system, we want to see in this act a review process that is incorporated into the act, so that we do not fool around with this issue for five, six, seven, eight or nine years, as the Legislature has done.

When this act comes up for discussion, we have to be very careful which bill we pull from our file because this bill has been before this House three times now in three years. I say that is fooling around with the issue. It has been before the House; it has been withdrawn. It has been before the House; an election was called. Now it is before the House again.

If the government is serious in getting on with this in an orderly, intelligent, incremental manner, then written into this bill should be the requirement for a review process by the standing committee on administration of justice a couple of years down the road, and a requirement for review with commentary and public hearings.

Those are the reasons we cannot support this bill. Quite frankly, we see the need for this bill, the need for this kind of legislation, but I am afraid I have to say that what this bill would mean is that the government could then hold up the legislation and say: "See, we did something. There is a viable mechanism there. There is a mechanism there for a civilian police review."

Yet I know in reading it that it is not workable, that there are internal problems with it and that it is going to lead to more problems down the road than it solves. The optional character of it is

something that just—it is too important to leave up to some sort of municipal option.

In conclusion, I think there is something that has to be said a little further about police relations and I think my colleague the member for Riverdale, my colleague the member for Oshawa yesterday and the leader of our party, the member for York South (Mr. B. Rae), have all referred to this. There has to be a better mechanism. We have to work at a better mechanism for police relations with the community at large and with individuals who may from time to time complain about police conduct.

The internal police review mechanism, as I have said and as the member for Oshawa pointed out yesterday, sometimes is handled in an almost militaristic manner, a manner that may deprive an individual police officer of all or a large degree of his rights, or it is sometimes, unfortunately, handled in a way that members of the public may feel is shutting them out of the process or shutting them out of information they feel they would like to have or information they would like to give or discussions they would like to have held.

We want a better bill than this. We want a better law than this. From our perspective, a better bill and a better law have to be forthcoming from the government, because as I have said before and I say it again, it is not enough to simply hold up this legislation, after it has presumably been passed, and when you run into police complaint situations, then say to those individuals or those community groups that are complaining: "Well, hey, we've done our thing. You have to go back to your municipality now." That is not solving the problem. That is passing the political buck, and again, this issue is too important to pass on the political buck.

I say to the parliamentary assistant for the Attorney General that I hope he will take some of the comments we have made and consider them seriously. We want this bill to go out to committee and we want some hearings to be held on it. We want groups and individuals to have the opportunity to comment on it because in our view that is the only way, at this stage, that better legislation and an eventual better law will result. I hope again that the parliamentary assistant for the Attorney General has listened and is prepared to listen and make some changes in the legislation.

**The Acting Speaker (Mr. M. C. Ray):** Are there any comments or questions?

**Miss Martel:** Perhaps I could make a comment on the remarks made by my colleague. I



have sat and listened today. I also listened to comments made by my colleague the member for Oshawa about his particular concerns. I trust the members in this House will appreciate the nature of the concerns that have been made by those two members in particular, given the fact that, first, the member for Oshawa had the portfolio and indeed dealt for a number of years with the police and police associations, and second, the member for Riverdale noted particular concerns, especially in Metro, and how his office has attempted to deal with them.

1620

I think what they are trying to express to the government is that the issue certainly is a sensitive one, but if it is going to deal adequately with a complaints mechanism, then it cannot have a local option, an opting-in of municipalities in the future, etc. If the government is going to deal seriously with what appears to be in some cases a very definite problem between police and civilians, then it has to make that option open to everyone in this province.

It cannot be selective about who will be covered, who will have the option to complain or who will have the option to have an investigation done in order to satisfy their concerns. I think that represents a serious flaw in this legislation, which I trust the government and government members are going to deal with adequately in committee.

As well, I certainly hope the government will consider having the Ontario Provincial Police covered. I know there are several areas in my community where the only authority in that regard is the OPP. I have a number of communities that are unorganized and as a consequence the OPP is the only force there to provide authority. They should be included as well. There should be a mechanism where complaints can be raised not only against regional or municipal police, but against provincial police as well.

I trust the members of the government party will take into consideration and debate during the hearings what we have said today.

**The Acting Speaker:** Does the member for Rainy River wish to respond?

**Mr. Hampton:** I think all members, from this party and from the Conservative Party and some of the Liberal members who have spoken—although I would have liked to have seen more individual Liberal members speak from some of the various communities—have tried to express and all have pointed out that this is a serious

problem, and a passing of the buck, municipal option type of solution will not work.

I just want to reiterate that in a speech that was given by the former Solicitor General of this province at the International Conference on Civilian Oversight of Law Enforcement, he said basically, “I recognize as Solicitor General and as former mayor of a city and member of a police commission that there is a need for a recognized forum to which civilians can direct their complaints regarding police activities for the treatment they received in the hands of the police.”

He then goes on to point out that a civilian complaints mechanism is the preferred method. One of the other methods he lists is going up to the ministry, the problem percolating up to the Ministry of the Solicitor General. I think the inevitable politics that may involve is quite an inappropriate way to resolve these problems. As I say again, government has to grasp this issue more carefully and more thoroughly than it has.

**The Acting Speaker:** Does the parliamentary assistant to the Attorney General wish to wrap up the debate?

**Mr. Offer:** It is my pleasure to stand and provide some closing comments in the wrapup of this debate on second reading of the Act to amend the Metropolitan Toronto Police Force Complaints Act, 1984.

First, I would like to thank all the members who have taken part in this debate. I believe we have heard matters in this debate not only of issues of crucial importance, but also with that, an emotion attached to those issues, and that says a great deal. It says to all who watch and listen or read Hansard, how very important this bill is to all members of the Legislature.

I understand the concerns raised by members of the opposition in terms of some of the provisions that are and are not in this legislation, and in my closing remarks I want to devote a short time to discussing them. I would also like to comment specifically for the member for Riverdale who has really shared with us a history of this bill, who has shared with us his experience with this bill, and I think that adds a great deal.

This is a bill, and I think it is trite to say, where there are no winners and losers. We all know the job and the duty done by the police forces across this province. We know of the great reliance and security we put on the police forces. We know the stress and strain they have in fulfilling their duties and obligations to all sectors of this province.

No one can dispute not only the reliance the public puts on the police force, but an increasing



reliance, an increasing security, an increasing sense of protection that we demand from our police force, which is in large measure well met. But neither can one deny the right of the public to have a process, a framework of investigation to allow them, in an open forum, to issue any complaint they may have.

This is not a bill of winners and losers. It is a bill that meets on the one hand the needs of society, of our province, in large measure in terms of the requirement to have an open forum for hearing a complaint, while on the other hand allowing our police force to have such a process and framework where complaints too can be heard without any concern in terms of openness, without any concern that they are not being heard fairly. Those two items together make for a greater reliance, a greater understanding, a greater sense of understanding between the public at large and the members of the police force charged with the responsibility of serving and protecting.

Concerns have been raised in terms of the question whether this bill should be mandatory, whether there should be a compulsory aspect to this bill as opposed to what is now in the bill in terms of its being optional. I think we have to recall the statement made by the Attorney General that the process of development in this bill is in certain stages. We are now entering what we hope to be the second stage. We have just completed the first stage, a stage of a pilot project, a mechanism within Metro Toronto where people had, within that municipality, a public complaints system.

What we are doing by this bill is expanding and stepping into that second stage, whereby other municipalities will have the right to opt in. Let me say this opt-in approach continues the pattern established when the police complaints system was first put into place in Metro Toronto.

1630

**Mr. D. S. Cooke:** You didn't make it optional for Toronto.

**Mr. Offer:** I have heard across the floor that it was not optional in Metro Toronto, but the history of this bill is that it was put in place in the first instance at the request of the mayors of Metro Toronto. What we are doing is carrying on that opportunity for other municipalities to make that same request, to enter into the second stage of the development of this legislation.

The Metro system has resulted in significant benefits not only to those who are intimately involved in the office of the public complaints

commissioner but throughout Metro Toronto as a whole.

Through Bill 4 we are going to afford other municipalities the same opportunity to obtain these benefits for their communities. We do this because once the experience of the municipalities outside Metro who do opt in is known we can then consider in an informed way whether it would be advisable to make the system mandatory for all municipalities.

We know there are municipalities which will, on one hand, feel a more urgent need to opt into this system than others, but this second stage in the development of this legislation demands this type of option, this type of opt-in for those municipalities which so desire.

Much has been brought forward in terms of the OPP not being covered by the bill. Even yesterday, the Solicitor General in remarks to the speech by the member for Oshawa, I believe, indicated that the Police Act is currently being examined, and one such issue is going to be dealing with the question of public civilian complaints and the OPP. That was said just yesterday and has been put forward by the Solicitor General on a number of occasions.

This is a bill which we hope will have speedy passage. We believe this is a bill which is necessary for those municipalities that wish to take advantage of the opportunity, who wish to opt in, to take advantage immediately. We believe there is a necessity, there is a demand, there is a desire, to have that type of complaints commission which now exists solely within Metro Toronto in other parts of the province.

In saying so, I reiterate that this is the second of three stages in the development of this bill. I have already alluded to an investigation, an examination, an analysis, an assessment which would take place after this second stage commences, one issue of which would be the question of whether this bill should be mandatory across the province. But that type of analysis, investigation and assessment cannot be made in an informed manner unless we allow those municipalities the option of opting in to this bill, and this amendment does give those municipalities that option.

Points were and have been made by many of the members, such as the inquiry by the Police Complaints Board; that there is a necessity that this particular legislation allow for an investigation by the public complaints commissioner. This legislation does that. There is provision that investigation can be made by the commissioner

when certain elements, criteria and factors are present.

I would hope that members of the opposition and third party will take note of our intent, our desire and our concern to move as quickly as possible into the second stage of this bill, to have this bill pass into law as quickly and urgently as possible, so that other municipalities will have the opportunity to have a complaints commission such as exists in Metropolitan Toronto. Many members here are aware of its success, its importance to the community at large and to those specific individuals who have been involved in the process themselves.

This bill is extremely important, it is extremely urgent and I trust and hope that there will be a speedy passage of this bill so that such opportunity for other municipalities may be given.

**The Acting Speaker:** Mr. Offer, on behalf of Hon. Mr. Scott, has moved second reading of Bill 4, An Act to amend the Metropolitan Toronto Police Force Complaints Act, 1984.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

**Hon. Mr. Conway:** I would just like to indicate that the House leaders and whips have met and we have agreed that this vote will be stacked until 5:45 p.m. on Tuesday of next week, along with other votes that may ensue later this afternoon.

Vote stacked.

#### POLICE AND SHERIFFS STATUTE LAW AMENDMENT ACT

Mr. Offer, on behalf of Hon. Mr. Scott, moved second reading of Bill 187, An Act to amend certain Acts as they relate to Police and Sheriffs.

**Mr. Offer:** The key provisions of this bill will ensure that responsibility for court security rests with local police forces.

The importance of our court system is obvious. The courts play an essential role in preserving this ability and standard of life that we have a right to expect in Ontario. The provision of an adequate level of security in all our courts is a matter of great importance. Recently, concerns have been expressed that the lines of responsibility in this very important area are unclear. This bill will remove any confusion.

Local police forces already provide court security at most of the locations where court proceedings are conducted. They have the training and equipment necessary to provide

effective security. In addition, since police forces appear regularly as participants in court proceedings, they are familiar with many of the cases that might result in risks to security.

**1640**

This legislation conforms with the policy announced in 1985 by the then Minister of Municipal Affairs and Housing, Dennis Timbrell, under which municipalities responsible for policing had been receiving an additional \$3 per household in provincial grants to recognize the municipality's role in providing protective services at court facilities.

I believe this legislation will promote effective security for Ontario residents involved in court securities. I hope and trust it will receive the support of the House.

**Mr. Wildman:** If the government, as the member says, is so concerned about security in our courts, can the parliamentary assistant please explain why the government is passing the buck, passing the expenses to the municipalities who do not want to have to cover these expenses and forcing the municipalities to hire additional police officers to do the work that is necessary, but which should be done by the provincial authorities?

**Mr. Offer:** I would like to thank the member for Algoma for the question.

This is a bill which clearly indicates that the responsibility for court security rests with municipal police forces. The decision as to the type and form of security is that of the municipal police force. In response once more to the member, in most court locations that is now being done by the police force. What this legislation does is recite what is, in most instances, the case right at this point in time.

There is no question that, in terms of persons who are now conducting some court security functions, the police of the municipality will take a look; they will reassess; they will make certain that the courts have a certain level of security which all people who are going to the courts not only expect but demand. I think that this bill and its purpose is to clarify the responsibility which is in large measure at this point in time being exercised by the police force.

**Mr. Hampton:** I am pleased to be able to respond, as it appears I am, to the comments made by the parliamentary assistant for the Attorney General. I feel privileged to be provided with so much material by the municipal police authorities of Ontario, by the Metropolitan Toronto Police and a number of other bodies



which universally, unanimously, say that this is a bad law and that the mechanism it sets in place is one which, again, the government will regret. I merely want to go through about four separate things that we see are wrong with this.

First of all, the fact of the matter is that many municipal police forces in Ontario do not at the present time have sufficient numbers of officers to staff courthouses with adequate security and also meet their community policing obligations.

We know that many of the municipal police forces and the Ministry of the Solicitor General are holding ongoing conversations on the need to pursue community policing more effectively, to devote more officers, more police constables, more police resources to community policing; and yet the gist of this bill is that officers will have to be withdrawn or, if not withdrawn, will have to concentrate more of their attention on court security.

Which way is the government going? Is it going in the direction of the Attorney General or of the Solicitor General (Mrs. Smith)? We would like to know, and the police forces of Ontario would like to know as well.

The parliamentary assistant for the Attorney General mentions a \$3 increase in the unconditional grants that was granted in 1985—not granted in 1986 after a period of inflation, not granted in 1987 after a period of inflation, not granted in 1988 after a period of inflation; he is referring to a \$3 increase in unconditional grants that was made in 1985.

Without an increase in the grant structure—and we do not see that in this legislation, and we do not see it in any companion legislation, and we do not see it in any existing program—municipalities will simply not have the financial wherewithal to cover these costs. They have been very clear about that.

Finally, the bill says specifically that the municipal police force in the area where the court facilities are situated will have the responsibility for court security, or if there is not a municipal police force, the Ontario Provincial Police.

Let's look at some of the situations which can occur. We have spoken to some of the municipal police forces. There are court facilities in Barrie. The Barrie Police Force indicates that to provide the adequate security which is necessary at the district court and the provincial court facilities in Barrie, it estimates it would cost in the neighbourhood of \$306,000 a year. They estimate that about all they would get out of the unconditional grants is about \$50,000. In other words, the

municipality has to make up the \$250,000 shortfall.

Meanwhile, in Alliston, the neighbouring municipality which has no court facilities and still gets the unconditional grant, the net financial cost to it of providing courtroom security is zero.

That is, again, what we have had put to us. We have had visitations from chiefs of police from various municipalities who have outlined this and who have emphasized this time and time again.

Finally, let me say this: The municipal police force security concept that is advocated in this bill, from my reading, completely contradicts the recommendations of two government reports. Mr. Justice Zuber, in his report on the Ontario courts, had something to say about court security, and furthermore, in 1978 another study was done on the issue of court security.

I think it is worth while just to read into the record some of the things Mr. Justice Zuber had to say, because he quotes. He says the issues of court security have been brought to the attention of the inquiry. He says there are some questions as to whether the responsibility should go to a local police force, whether there should be specifically set up under the auspices of the Ministry of the Attorney General a special force which is charged with providing court security at all of the courts or whether we should continue with the mix and match that we have now.

#### 1650

He says: "The responsibility for the provision of courthouse security is a matter of continuing debate. In 1978, the Pukacz report recommended that 'the Ontario Government Protective Service administered by the Ontario Provincial Police be designated to provide' court security officers, information officers and attendants for all courts, and that where police officers were performing these functions, they should be replaced by the protective service or by 'specially trained uniformed civilian staff' in the smaller centres. The police were to 'supplement and strengthen security in the courts whenever required' if they were present in court"—but it should not be their primary responsibility—"and to institute 'special security arrangements whenever dangerous prisoners or a large number of prisoners have been brought for trial or where threats, violence, disturbances...are likely to occur.'"

In other words, police were to get involved when it was an extraordinary situation. The police were not recommended to provide everyday security.

I want to say that upon reading Mr. Zuber—he is referring there, of course, to the Pukacz report—he essentially agrees with that report. He says:

“This inquiry recommends that the provision of court security should be the responsibility of a provincial police force operating at the direction of the courts administration division of the Ministry of the Attorney General. To the extent that the use of municipal police forces is considered desirable, appropriate arrangements should be made with the municipal authorities involved and adequate funding should be provided for that purpose.”

The government has had two reports now and neither of them advocates what is coming down the pipe here.

Finally, having spoken to individual officers, they want to know the logic of the government having a first class constable, broadly trained in various aspects of policing, tied up day after day in what is essentially a security operation. They feel it should be possible to have specially trained security officers who are more aware, who have, as I say, the specialized training in security issues, which, as we must acknowledge, are not the same as general police issues. The police officers want to know the logic that is contained here.

Just to emphasize and bring up a few other points, one of the things that has upset a number of municipal forces is that a letter was sent—this legislation, let us point out, was introduced in the House back in November 1988, not that long ago. On November 16, a letter went from the Attorney General to the executive director of the Municipal Police Authorities. In that letter, the Attorney General says:

“The legislation will not in any way seek to direct the OPP, the municipality or its police force. Naturally, the government will welcome your comments on the legislation once you have had a chance to review it. In particular, if there are any specific local circumstances which require special consideration, I would be grateful if you would bring them to the attention of the Solicitor General so that we can hear about them.”

That was November 17. It is now the beginning of January. Christmas was in the middle. How was any municipal police force, any municipal council going to be able to conduct the kind of review of the legislation and then the review of what court security might require and then a review of its staffing and manpower and respond? How were they able to do that? The

time simply was not there. I would agree they have a right to be somewhat upset at the manner in which the Ministry of the Attorney General has proceeded in this matter.

Finally, a letter was written to the Premier (Mr. Peterson) on December 5 outlining all the problems that the Municipal Police Authorities have with this legislation. Sad to say, no answer has been received yet.

Let me emphasize the point again: The parliamentary assistant for the Attorney General says, “All we’re doing is laying out the law clearly here on who is responsible.” I want to say to the parliamentary assistant that this is not a principle of law issue; this is a program issue.

The program question is: Who is going to pay the bill to provide for adequate court security, which we all acknowledge is necessary? Merely to pass a law which says it shall be the responsibility of the municipal police forces without providing the program funding does not solve the problem.

It is another one of those wonderful municipal local options that this government seems to be so enchanted with. Pass it off on the municipalities; let them worry about it. Let them find the money. That is totally inadequate. This is a program issue. If the government cannot come forward with a clear legislative and financial framework as to how this responsibility is going to be worked out and how it is going to be paid for, then the government is not doing its job.

Finally, let me emphasize again: The unconditional grants to municipalities, which are to be used to pay for this service or one would have to assume are going to be used to pay for this security service, have been frozen in 1989; we know that, the municipalities know that. To be putting this off on the municipalities on the one hand, knowing it is going to increase their costs, and on the other hand to be freezing the unconditional grants to municipalities is irresponsible of this government.

I hope that the parliamentary assistant for the Attorney General is now fully apprised of our position and why we think this is a bad bill and why the government had better go back and do it again. What did those guys do over Christmas anyway, all take a holiday? Is that what it was? Did they not do any homework? I hope they are fully apprised now as to why we cannot support this bill and what we think they need to do to make it a bill which we can at least attempt to support.

**Mr. D. S. Cooke:** It is pretty obvious why we are opposing the bill, after listening to the minister and his parliamentary assistant.



**The Acting Speaker (Mr. M. C. Ray):** Would the member for Windsor-Riverside care to rise?

**Mr. D. S. Cooke:** No, I'd rather interject.

**Miss Martel:** I am pleased to participate in the debate. I will not be speaking at great length on the bill, because I think my colleague the member for Rainy River (Mr. Hampton) adequately expressed the concerns on behalf of our party. However, I do want to make a few brief comments, in particular on how this bill is going to affect the riding I represent.

I would just like to go back to the purpose of the bill as it was outlined by the Attorney General in a question that was raised to him on Tuesday of this week. The Attorney General said at that time:

"The purpose of the bill is simply to identify precisely what we are funding. What we are funding, so the honourable member will know, is work that is now done by police forces in almost every municipality in Ontario: the transporting of prisoners; responding to threats of violence if they are made at the courthouse; and maintaining a presence, as required, to maintain the safety of the occupants of the courthouse."

He also added, "In the vast majority of cases in Ontario, there should be no additional costs at all."

We heard the parliamentary assistant say basically the same thing, to reiterate the purpose of the bill as it was outlined by the Attorney General on Tuesday of this week.

I would like to say to the parliamentary assistant that, while he figures it may be true in most parts of Ontario that this is happening, I do not believe it is happening in most areas of the province and I note that it is certainly not happening in my community. In fact, the bill that the government proposes to put through in this House will have a significant cost to the police force in my community, and in the end to the community at large.

Let me just tell him about what is going to happen in Sudbury. The information that I have comes via the regional police and, in fact, from Chief Zanabi at the regional police headquarters. He faxed a letter to me at about 4:10 on Tuesday afternoon in response to the comments made by the Attorney General earlier on in the day.

**1700**

He states that in Sudbury, for example, what the government proposes will mean hiring an additional six police officers. The starting rates in terms of salaries and benefits, which come under their contract, mean approximately

\$50,000 per officer. The cost that we are looking at in our community is about \$300,000 in order to meet the requirements put out in this bill.

For the regional police in Sudbury, that represents about two per cent of their total current budget, which is \$17 million. In terms of our community—and I do not think our community is the only one—there is going to be a significant cost in trying to provide for court security using police officers.

Second, the money from the unconditional grants is gone. The Attorney General stated that in 1985, \$3 per family was made available to offset any costs that were related to police providing security within the district courts. Our police chief has stated to us that that money is long gone. They do not know where it is going to come from next.

Certainly the unconditional grants have now been frozen, so it is not likely the money will be coming from that source any further. In fact, what the minister says—and, of course, this is going to be the same for other municipalities in the same boat as us—is that it is going to be the region that will pick it up. All of these communities in our region are going to be affected by a change in mill rate in order to raise the funds necessary to provide that extra policing.

In light of all that, there is a substantial cost that is going to be picked up in our region. The police in our region assure me that they do not have a problem with providing extra police security, except that they do not feel that they should be the ones, or the municipality should be the one, to bear the brunt of that.

In our case, we are looking at \$300,000 a year, and upwards with the rate of inflation. If we have to hire new police officers year after year, that is going to be the cost for us. They feel that if the province is going to carry on with this bill, then the province should begin to pick that up and add to the cost of its annual budget.

Second, I just want to point out again that my colleague the member for Rainy River has raised several reasons why we in this caucus do not agree, one of them being that some municipalities will bear the brunt of all the costs of providing court security in the district court. He outlined the case of Barrie versus Alliston.

He also pointed out that the concept of security that is outlined in this bill really contradicts the recommendations in two reports he pointed out and certainly causes some problems for community policing, which I am sure all of us in the

province are worried about. I know our own local force is extremely concerned about that.

In summary—and I say this to the parliamentary assistant—there is no doubt that citizens in the province, and certainly judges, require adequate court security. No one is disputing that. But I think the government should step back and take a look at how that should most adequately and efficiently be provided. Perhaps the answer is not to have more police in the courtrooms, because that will probably take away from the police who are going to be used out in the community on the streets. Perhaps they should look further at the recommendations that were outlined by my colleague in those two reports.

I think it must be said that what is really happening here, if the government chose to admit it, is that the bill before us is really an attempt by the Attorney General to slough off some of that financial responsibility in terms of administration and staffing that we have in the courts now. In the view of my community, and I am certain there are others, it is going to have a substantial impact.

There has been no response by the government as to why it is that the government should not provide for extra police if indeed, as in the case in my community, unconditional grants will no longer meet that. Second, because the unconditional grant is now frozen, the government has not responded as to why all those municipalities should have to add that to their mill rate in order to raise those finances locally.

I too am not supporting this bill. I have tried to identify at least some of the problems in my own community and I certainly hope that if we have public hearings on this or if this bill goes to committee, the government will be forced to address some of the concerns that I have raised and certainly some of the concerns that police associations across the province have raised in terms of this bill.

**The Deputy Speaker:** Are there any questions and comments on the member's statement?

**Mr. Cousens:** I did not get all the remarks of the member for Sudbury East. Did she comment on any reaction by her own local police force in her remarks?

**Miss Martel:** Yes.

**Mr. Cousens:** Perhaps she would not mind repeating that and just what the cost is to the people of Sudbury, if she has it. That seems to be something that is universal. With the number of letters that I see coming in from different police forces, it is going to amount to a very large

dollar. I do not mean to put the honourable member on the spot but—

**Mr. Reville:** You will find the honourable member is well prepared.

**Mr. Cousens:** I just happen to know, when I see this honourable member in committee looking after the Ombudsman's interests, that she would have the same kind of genuine interest in the people of her area. If the member for Sudbury East could just comment on that, I would appreciate it. I think this is going to be one of the major issues coming through here, and I appreciate the remarks that she made. Perhaps she could comment on that.

**The Deputy Speaker:** Are there any other questions and comments? If not, would the member for Sudbury East wish to respond?

**Miss Martel:** Yes, I would. I will be most happy to repeat for the benefit of the member for Markham (Mr. Cousens), the parliamentary assistant and members of this House the statistics that were given to me from the police chief in terms of the anticipated cost of this bill to our community.

Again, in terms of staffing the district court, it would mean that the regional police will have to hire at least an additional six police officers for that in terms of their salary and benefits. Under their contract, the rate they are looking at is at least \$50,000 per officer per year, so in our community we are talking about \$300,000 in the first year this goes into effect. That represents a total of about two per cent of their entire budget, which is \$70 million.

I can only speak for what is happening in my own community, but I think it certainly is significant. I think other members will find that in their own communities the same type of thing is happening and the costs to those communities are going to be quite substantial.

**Mr. Cousens:** Indeed, it is an important bill, just another one of the surprises that has come to the people of Ontario after September 10, 1987, when the Premier promised an open government and promised to be responsive and do certain things. Now we have the Attorney General introducing this bill which will transfer the responsibility for courtroom security, including security of judges and prisoners, from the province to municipalities.

I am concerned with the process that is involved with this bill and how it has appeared before the House. Right at the very beginning, I would like to ask again—because I was speaking earlier, last week, on Bill 4—where is the



Attorney General? I really think that maybe we should move him into some of his other responsibilities of counselling the Premier or taking over Hershell Ezrin's job or doing some of the other things that may be very important to him.

What is of great importance to the people of Ontario is that he be here to understand and appreciate the points of view of those of us who are elected to office to speak to different bills and to present the views of our own constituencies. I again would like to express right now that I am disappointed that the Attorney General is not in this House to participate in the debate, to respond to what is being said and to listen to what is going on.

I do appreciate the fact that he has a very capable parliamentary assistant in the form of the member for Mississauga North (Mr. Offer), a friend and one who has shown great capability in what he is doing. Maybe what we should do is put forward a petition that will make him the Attorney General. Then we can move the Attorney General into something that he wants to do. If the parliamentary assistant is going to do such a good job of carrying these bills forward, then let him have the pay that goes with it rather just the pittance that he gets as a parliamentary assistant.

But even further to that, if he wants to make any amendments or do any changes, the tragedy is that at present the parliamentary assistant has to go and make an appointment with the Attorney General. Then, assuming he can get an appointment, maybe he can try to present the views that have been presented in the House. But who is to think that anyone could present the views of all honourable members that well? Therefore, I come back to my fundamental point: Where is the Attorney General when he has the responsibility to be here in the Legislature to carry his own legislation?

**1710**

I have great respect for the parliamentary assistant, but I still think the Attorney General is sloughing off important responsibilities to someone else and I think the people of Ontario should be made aware of that problem. The bill is presented by, "The Hon. I."—that stands for Ian—"Scott, Attorney General," yet it is the member for Mississauga North who is carrying the bill.

I guess there is nothing that can be done about it, because I said it last week and there is no change. Maybe there is a lesson in that one, that this government really does not want to listen, it

does not want to respond; it is going to do its own thing in its own time, with its own agenda. I say it is going to come back to haunt government members, because when the voters of Ontario start to look at the record of this government, they are going to be looking at just this kind of thing I am talking about. It is arrogance, and it is an arrogance that undermines the confidence of all people in what good government is all about.

The fact of the matter is that when we are going to transfer the responsibility of court security to municipal police forces, we are transferring responsibilities which are presently assumed by the province. What is going to happen now is that the financial obligations which go with these services will also be transferred to the local municipalities or to the local regional governments. The cost then will be borne by the local taxpayers. It will come off the property owners who pay property taxes which are already too high.

We have a problem right now in Ontario. We know that the percentage of taxes being paid by property owners in this province, and therefore by renters and by anyone who has property, is not equitable. I know for a fact that many seniors who are on fixed incomes are worrying about their property in the future, how much longer they are going to be able to keep up the payment of their taxes. Fortunately, they have paid for their dwelling, it is paid off, but they worry about whether they are going to be able to keep up the tax payments.

Somehow or other this government just keeps on pouring more of that load back on to the local municipalities without giving those municipalities any of the funding and the financial support they need in order to carry out that job.

For York region alone, the additional cost is over \$1,100,000, which will be borne by the citizens of York region. Our own York Region Police Force will have to have at least 12 more regular police constables to replace the services presently handled by the sheriffs. That may not seem like much to the parliamentary assistant. It is just that these responsibilities being handed down to the local municipalities are starting to add up. I think it becomes extremely unfair to the ratepayers of our province when you keep adding and adding and adding to that load.

I have some of the costs associated with this. It is not just what is going to come out of York region, which I represent; I think of the people in Metropolitan Toronto. We are talking about a total bill in excess of \$16 million. Maybe \$8 million of that is presently being paid for in the

joint arrangement which was developed some years ago, and that has given a precedent for some of the thinking that is going on now within the Attorney General's brain, which we cannot see here. None the less, you are talking about \$8 million more from the people of Metropolitan Toronto.

The honourable member for Sudbury East (Miss Martel) just pointed out how much Sudbury is going to have to pay. Barrie is going to be paying \$306,000 more—here's to the people of Barrie, another gift from the Premier and the Liberals in Ontario which they will be paying through their local taxes; Cobourg, \$250,000; Collingwood, \$133,000; for Durham region, \$2 million is estimated as the cost that will be picked up by the ratepayers in Durham.

**Mr. Reville:** They are going to get a dump, too.

**Mr. Cousens:** Well, they are dumping on them all the time from here. My good friend the honourable member for Riverdale points out that they are going to get a dump as well. I think there has to be some nemesis here. They are just ending up getting more than they want from the province, I can tell members.

Lindsay will be paying \$40,000; Metropolitan Toronto, I have already mentioned; \$70,000 more will be paid out of the coffers of the taxpayers of Orillia. I know that my good friend the member for Simcoe East (Mr. McLean) would support the concerns that I am expressing in this House today. We have with us the honourable member for Mississauga South (Mrs. Marland) and Peel region will be paying over \$500,000; Peterborough, \$204,000; and the numbers go on.

The point stands. The province is giving up responsibilities presently held by the province, passing them out to the local municipalities, the regional municipalities or Metropolitan Toronto, and saying, "Here, it is your problem." In making it their problem, the province is saying that they also have to pay for it. There is no bargaining going on here. There is no conversation. There is no effort by this province and this government to say: "Let's work something out. Let's have some kind of conciliation. Let's work out a deal."

That was an approach that was used by Mr. McMurtry several years ago. It was an approach used by Mr. Timbrell when he was Minister of Municipal Affairs and Housing. There was some kind of working through a problem, especially when they developed a deal for Metropolitan Toronto.

Why can this government not do the same thing today? I am talking to the wrong person. I am talking to the empty seat because the Attorney General is not here to listen. It is hard to know who to talk to when he is not here and not paying attention.

**The Deputy Speaker:** The member should always address himself to the Speaker.

**Mr. Cousens:** Through Hansard I am sure he will find out exactly what we are trying to say.

Another concern that we have is just the way in which this has been announced and brought forward. The bill itself—as innocuous as it seems but it has significant ramifications, as we know—came out on November 17, 1988, and one has to ask how much of this was discussed with different police forces and with the people who are involved in the delivery of these services.

The fact of the matter is it was quite a surprise to the people in York region and it was quite a surprise to the other police forces. They really had no idea that the Attorney General was planning to do this. What is going to happen then to their budget planning and everything else, assuming that this bill passes quickly, which is in fact what the Attorney General said he wants to do? He wants to get it through as fast as he can. Maybe that is so no one has a chance to think about it and understand the consequences of it.

I have here a file of papers from different police forces and all of them are unanimous in their concern at the way this bill has been introduced. If I wanted to go through it, I could start reading from these letters just to indicate this strong negative reaction that they have.

**Mr. Philip:** Why don't you read a few?

**Mr. Cousens:** I could, but the problem is that I know there are many other members who want to speak to this bill. Let's just hope we get this to committee so that the public, the police forces and the others who are concerned have a chance to react to it and that it is not just going to be shoved through so quickly in the Legislature that no one has an opportunity to understand what is involved.

**Mr. Philip:** How about just one, then?

**Mr. Cousens:** There are strong statements of the police forces across this province that are saying, "We are not happy." As just an example, the Municipal Police Authorities has commented on it and I would like to just comment on what the executive director, Sandi Humphrey, has said.

"The Municipal Police Authorities, representing Ontario's 122 Municipal Police Commissions and Police Committees, in concert with the



Ontario Association of Chiefs of Police, has major concerns with respect to Bill 187.” She then goes on to explain it. Those are the people who are going to have to deliver on this and they know the consequences of it.

I sense a level of arrogance in this whole process. We are having this bill presented to the House; we are going to have to consider it. I hope that when it gets to committee there will be some chance of amending it and there will be some opening up of responsibility back to the government rather than just saying that the local municipalities and the regions and everyone else have to carry on its job for it.

One of the concerns that comes through this bill has to do with the whole relationship that we are coming towards as a police state. What about that fundamental concept of a person being innocent until proven guilty? That is something we value in this society in Canada. It is enshrined in our Constitution. Now we are going to be like the French, who are guilty until proven innocent, just by appearances.

1720

Is this not becoming more of a police state, when you are apprehended by the police and now you are going to have uniformed police in the courtroom, with the people at arm’s length? To what extent does that put a special aura over the court and over a person who is pleading innocent? What does that do to the jury or to the judge when they start seeing that person accompanied by police in the court? I say there is a danger in doing that, because at that point we have suddenly said, “We are a police state and we’re going to watch over people; we’re going to be right beside them.” There is not that sense of trust and there is not that sense that people are innocent until proven guilty.

That is a concern that has been expressed by my own chief of police from York region, Chief Hillock. He has expressed that as a concern, because he is saying it does open up that spectre. Here is what he says in a letter: “Further, the responsibility of the police should end when an accused is first incarcerated. To continue escorting a prisoner and providing security within the courts could certainly give the appearance that we have a police state.”

I just wonder to what extent the government is trying to make that happen. The Attorney General is not here to respond to that; we all know that. He has gone off hiding and has left the parliamentary assistant to respond.

There is still that appearance, that perception. People will start to think, “Once I am in jail and

once I am in court, there’s a sense of guilt attached to it.” I think the police have so much to do as it is.

I would just like to stop and comment on the excellent statement that was made today by my friend the member for Leeds-Grenville (Mr. Runciman). It is probably one of the things that needs to be said far more by legislators in this House, to stop and say thank you to our police for the work they are doing. People are so quick to criticize, yet we know there was a policeman killed in the line of duty within the last short while. A constable in York region had a leg amputated in a car accident just over a week ago on Bayview Avenue, south of Highway 7.

How many people stood up in this Legislature or anywhere? Here is another police constable in the line of duty, serving us and our community. Again, we find it so much easier to throw stones, to criticize, or as the member for Sarnia (Mr. Brandt), our leader, was saying today, to charge them. He was raising the question with the Attorney General of the degree to which the government was involved in placing charges against a policeman for manslaughter when six months ago it could not be done because the evidence was not there to do it.

Stop, ladies and gentlemen, and understand that we have within Ontario an excellent police force whose job and responsibility to keep and maintain the law, to keep the peace and serve the community, to protect us all, is something we should respect. Indeed, there will be times when there is balance lost, but there are other times when there has to be action taken. We have discussed that in other bills in this Legislature, so there can be complaints and there is a process involved in that.

Here and now, what we are doing in this bill is again putting the police into a category of responsibility which is not appropriate. They have done it in two courts, but we are saying now that it is going to be obligatory in the provincial courts and we are going to be picking up the cost. Let’s find a way of not making it look as if we have a police state. Maybe that is one of the things that can be discussed as we take this to committee.

What does this government do with all the reports it commissions? Do you know, Mr. Speaker? We had a chance this morning to review the private member’s resolution from my good friend the member for Peterborough (Mr. Adams). He was asking for another commission, another study.

We had a study not that long ago. It was done by T. G. Zuber, Report of the Ontario Courts Inquiry. This report was released in 1987. I would like to put his recommendation 95 on the record in case the parliamentary assistant and the Attorney General have forgotten what Mr. Zuber said in his report. It has to do with this bill, because the bill we are now debating in this Legislature totally contradicts Judge Zuber's recommendations. He said:

"The provision of court security should be the responsibility of a provincial police force operating at the direction of the courts administration division of the Ministry of the Attorney General. To the extent that use of municipal police forces is considered desirable, appropriate arrangements should be made with the municipal authorities involved and adequate funding should be provided for that purpose."

Here we have a bill before this House today that contradicts that recommendation. I do not expect every government to accept every recommendation from every study that is done, understandably, but we all know that when this report was tabled in the House it was seen as a positive document, something that would be taken seriously.

I happen to believe it probably has more dust on it in the Attorney General's ministry because they have not even looked at it; they have not even considered it. One of the things he is saying is that adequate funding should be provided for this purpose. It is not provided in this bill. This is another instance of the Liberal government of the Premier passing the buck down to the local municipalities.

**Mr. Ballinger:** Hogwash.

**Mr. Cousens:** The member for Durham-York is saying it is hogwash. The member should just tell me how it is hogwash. This is passing the dollars right back to the local municipality and the member is saying it is not. He should tell me how it is otherwise.

**Mr. Ballinger:** Do you have the time?

**Mr. Cousens:** I have all the time in the world, because this is going to cost the people of York region \$1.1 million and the member is saying it is not. Is he willing to pay for it out of his salary?

**The Deputy Speaker:** Will the member address the Speaker, please?

**Mr. Ballinger:** You don't understand the bill.

**Mr. Cousens:** I am just saying the parliamentary assistant to the Minister of Natural Resources does not understand what is going on in the Ministry of the Attorney General if he says

that and means it. I do not think he does because he is not even sitting in his own seat when he is making these interjections.

The point I want to make is that this is another example of the Ontario Liberal government—I am repeating the point because of that rude interruption by the member for Durham-York (Mr. Ballinger) and his terrible interjections. I want to repeat it so that it goes in his ears and it might stay there. The fact is it is just another attempt by the government of Ontario to pass the buck back to the local municipalities. There, I said it a third time. Maybe he will begin to understand it.

This adds another burden to our local police forces, which are already very busy, and I see it as an unnecessary burden for them. I do not for a moment discount the importance of having this service in the courts. I know that our own Supreme Court judge, when he was opening the courts recently commented on it, on how important it is. I have concerns about the way this bill is going to be implemented and the cost it is going to add to our own local ratepayers.

This bill shows a total lack of consultation with the chiefs of police and the municipalities with regard to this issue. That, in itself, is inexcusable. We are talking about a consultative process where all levels of government have to start working more effectively together. That has to be the way in which Canada was built.

What we have is the arrogance of this government. It does not want to deal with Ottawa; it does not when it comes to other concerns, it wants to just do it its own way.

Now we are seeing this government do the same thing when it comes to our own local police forces, saying, "We will just sort of order them to do it." It can and probably will, but before it does I know that myself and a number of others from our party will give the government reason to rethink that position; that is if we can get its attention.

That has to be the biggest problem we have with this huge majority of 94 Liberals. The Attorney General does not even bother coming to the House for his own legislation. I make that point again because I see it as a shame and a mockery to the rest of us who are taking very seriously our responsibilities in this House, especially when it has to do with bills that have such a major impact to our own municipalities.

I guess members can tell from what I have said that I am opposed to the bill. I know there will be others joining me in this protest. I just hope that the bill is considered in committee and that we all have a chance to make some amendments to it



that can satisfy the concerns that I have tried to raise.

**Mr. Villeneuve:** I want to certainly endorse and reinforce the statements by my colleague the member for Markham and his concerns as he expressed them for York region.

I have great concerns as well for people in my riding. I will state one case that applies in a much smaller frame, but applies in the same way as it does to the region of York. It is the village of Alexandria, which has a population of 3,300 in 1,400 households and a five-man police force, one chief and four officers. We are going to be asking them to foot the bill for all of the courts that are held in the town of Alexandria for the municipalities of Maxville, Kenyon, Lochiel, Lancaster township, Lancaster village and Charlottenburgh. I do not think that makes any sense.

1730

The police force in Alexandria did have an Ontario Provincial Police officer on loan until July 1988, at which time the Solicitor General saw fit to remove this police chief who was acting for the town of Alexandria, and now it is left with its own five-man police force.

This government, by using the so-called local option again, by copping out on its responsibilities, copping out on whatever it does not feel it needs to do, just turning it over to the municipalities, is asking a small town here—and at \$3 per household, when we have 1,400 households you can imagine how far that will go in providing security at the courthouse, which is very important and which this government says must be maintained by the municipality.

I say again, reinforcing the comments of my colleague the member for Markham, that this is absolutely ludicrous.

**The Deputy Speaker:** Do other members wish to participate?

**Mr. Harris:** Is this the little two-minute job?

**The Deputy Speaker:** Two minutes to respond, yes.

**Mr. Harris:** I am pleased to rise briefly and indicate, on behalf of my municipalities, total support for the position that was put forward by the member for Markham.

I want to indicate in that support that my community of North Bay, which I have communicated with, is looking at an increased cost of somewhere around \$450,000 per year on the basis of this bill, to be borne totally by local taxpayers—with a provincial jail in North Bay, with provincial courts in North Bay and with

provincial OPP already in North Bay—to provide this service for the province.

I want to tell members that it appears to the city of North Bay that it would also be asked to provide police services for the district court, so that the city of North Bay taxpayers would be asked, according to this bill, to be providing services for all the municipalities taken in by the district court.

Quite frankly, from discussions with representatives of my municipality today, if this bill were to proceed as it is now written, they believe, under some legal advice from talking to the town solicitor, that not only is it unfair, not only is it another example of shifting the burden to the municipalities from what should be and always has been a provincial responsibility, but they are also now seeking advice on whether it is even constitutional to require the municipality and taxpayers in the city of North Bay to pay for services being provided for other municipalities.

I tell the members that there are a lot of problems with this particular bill. This is an unfair piece of legislation. It is typical of some of the stuff we have seen from this government and I am opposed to this particular bill.

**Mr. Cousens:** I am grateful that the member for Nipissing (Mr. Harris) and the member for Stormont, Dundas and Glengarry (Mr. Villeneuve) are considering the points I have tried to make in my presentation. In fact, it surprises me that with all the Liberals who are here, there is not more of a defence for their own communities. I look around and I see a representative from Durham. I see them from Metropolitan Toronto; I see them from Mississauga.

In fact, no one is saying a word about this. They are quietly and meekly, like little sheep and lambs, going to the slaughter and letting the Attorney General and the Premier just push them over the hill.

If they want to get elected again, I am just telling the men and ladies that they should be thinking about their own constituencies and realize they should have some backbone and stand up and be counted. The fact that the member for Nipissing and the member for Stormont, Dundas and Glengarry have that kind of courage and that kind of freedom of speech and that understanding of their community is something that makes a difference between a Tory and a Liberal.

I will tell the members, there is still time for a number of them to rethink their positions and stop and look at the consequences in their own community and talk to their chief of police and to

the people in their municipality. How happy are they to see their local taxes increased by this extra amount? It is just like torture. You do a little bit here and a little bit there and it just adds and adds and adds. There is no reason to do that.

**Mr. Villeneuve:** Listen to your conscience.

**Mr. Cousens:** The member for Stormont, Dundas and Glengarry says, "Listen to your conscience." I do not hear any consciences speaking out right now. The only one who has spoken out is the honourable member for Durham-York, and I really question whether he has any conscience on this subject at all. I do not want to question or impugn any motives, but I would hope they would call their chiefs of police and have their consciences awakened.

**Mr. Reville:** I want to assure you, Mr. Speaker, that I am not running for leader of anything. That probably reassures any number of members of the Legislature, but it probably makes you wonder why I am going to make this speech after listening to the previous speeches, which seem to be part of some kind of leadership campaign; except in the case of the member for Stormont, Dundas and Glengarry, who assures me he is not running for leader.

This Bill 187 is a short bill, but it will have a long impact. A number of previous speakers have already pointed out that if you were to ask the citizens of their municipalities just what was on their wish list for activities the police could undertake which they are not now undertaking, none of those citizens would suggest that what they should do is provide security for courthouses.

The community demands for increased policing which I am aware of, certainly in the Metropolitan Toronto area, do not relate to providing security at courthouses.

The people who live on Ontario Street in the Attorney General's own riding would like to see an increased police presence to deal with the sidewalk sale of sex, and will not be delighted to contemplate millions of dollars being spent on policing in courthouses. In fact, they want to get ahead of that process and start to create business for courthouses.

Similarly, the residents on any number of streets in my riding, Langley Avenue, for instance, would like to see an increased police presence to deal with people who drive at 100 kilometres an hour down their quiet residential street. There is a bit of an oxymoron there, I guess—a quiet residential street and 100 kilometres an hour—but you understand what I am saying. They feel that enforcement of the

Highway Traffic Act would be a higher priority than the securing of courthouses.

All over Metropolitan Toronto there is increasing concern about drug trafficking and the tragic results of the traffic in drugs for both the traffickers and those to whom the drugs are trafficked. You will know that the municipality recently made a decision to spend a huge amount of money to improve the police capacity to deal with that problem. I know that people in Metro do not want to spend \$16 million, or even \$8 million, on the policing of courthouses.

It is pretty clear what has happened here. The Attorney General, confronted with the shambles of his ministry, put his mind to this problem and, confronted with courthouses that are crumbling, with court facilities that are inadequate, with court waiting rooms jam-packed with accused and victim alike, cheek by jowl, with judges who are grumbling about their workload and about accused persons having to be acquitted because they cannot fit them on to the docket, with holding facilities in courthouses being inadequate, with judges clamouring for better salaries, which reminds me of other public servants who feel they are underpaid. I just cannot remember which ones they are right now—oh, yes, that is us.

1740

Clearly, the Attorney General has decided that one of the ways to try to reduce the financial mess he is in is to shove this cost on to the municipalities. Members have heard, time in and time out, and time and time again, from the New Democratic Party what a jaundiced view we take of regressive taxation. We take an extremely jaundiced view. We do not approve of an increased burden being shoved on to the property taxpayers who, as members will know, pay taxes without reference to their ability to pay.

We think it is more appropriate for the province to carry this expense because of the access the province has to progressive forms of taxation. One will not be surprised to find that the New Democratic Party has been paying close attention to what has been said to us by the police departments and by the municipal officials. We will not be supporting what we see as an unfair shifting of financial cost to municipalities in this way.

**Mrs. Marland:** In rising today to speak to Bill 187, An Act to amend certain Acts as they relate to Police and Sheriffs, I have to say at the outset that the best possible thing that could happen to this bill is that at least it would go to a committee where the public would have some input. When we talk about the public, we are talking about two



very important representatives of the public: one, the elected municipal officials; and two, the chiefs of police of this province.

It seems to me that it is unbelievable this Liberal government would have introduced this bill without alerting the Ontario police forces or the municipalities. These police forces and the municipalities, I must say, are up in arms over the added burden of costs this responsibility will place on them and ultimately on the taxpayers.

It is one thing to introduce legislation if it has been deliberated over and the people who are impacted by the legislation have had some input into it and some discussion about the implications of that legislation. But here the Liberal government just goes bang straight ahead and introduces something that has a tremendous impact, yet it does not plan for the people who are impacted to have any comment on that legislation. Fortunately for those people in Ontario today, we at least have the Progressive Conservative Party in opposition to speak on their behalf.

I want to say that, of course, theoretically under provincial law the province is responsible for security of provincial courts, and according to the Sheriffs Act, sheriffs are responsible for security at the district and Supreme Court level. In effect, the Liberals are adding to the burdens of municipalities by making them bear not only the cost of provincial courtroom security, but the additional cost of district and Supreme Court security as well.

I would just like to tell the members what the impact is in my own region of Peel, of which Mississauga South is a part. In the judicial district of Peel, there are 25 courtrooms available for use. Bill 187 would necessitate the hiring of approximately 20 additional court security officers at a cost in excess of \$600,000.

What is significant about that cost is that this costing represents the utilization of civilian court security officers. If sworn, professional police constables had to be used, the cost would be much higher for these additional officers, or there would be a marked reduction of the services if current police personnel strength had to be used to fill these positions.

I do not know what it is the Liberal government wants us to do with our policing in Peel, whether it wants us to take the police off the streets, when we have invested three years in their training, in order to sit in the courtrooms. We have certainly had indications about the implications of that being in excess of \$1 million. Obviously, if it is \$600,000 for nonprofessional officers it speaks for itself.

The most vocal opposition to this bill comes from the police forces and the municipalities throughout Ontario. They are really angry about the increasing cost they will have to pay for courtroom security, but they will not be nearly as angry as the taxpayers, who once again are having put on their backs a provincial responsibility, directly on property taxes at the municipal level. We are seeing this all the time.

We have seen it in the reduction of transfer payments for health care costs and the funding of hospitals and the capital costs for education; I could go on and on. We are going to get a very current example when Bill 113 goes through and suddenly whether a municipality has Sunday shopping—whether it has it or does not have it—the enforcement of the law will depend on the local municipality through its bylaw officers. There is another example of a cost that this provincial government will put on the backs of the local taxpayer; and so it goes.

However, we do not see any reduction in provincial income tax. We do not see the province saying, “We are not funding this, this and this now so we will give that money back to the municipality, or even better, we will not collect it in the first place.” What we do see, however, is an increase in taxes at the provincial level. We see an increase of 15 per cent in sales tax, and I can go on and on.

These facts are, fortunately, becoming well known by the people of this province. Do not be mistaken; the people of the province who know the facts and are aware of what is going on will remember when the next election comes around.

I want to tell the members also that for some police forces, Bill 187 may result in the elimination of community police programs such as school safety and Reduce Impaired Driving Everywhere programs in order to pay for courtroom security.

There are small municipalities in this province that simply do not have anywhere from which to draw additional funds. They simply cannot take on the additional financial burden this legislation would require of them. They have to look at what programs they have today, and those are some of the programs they are telling us they may have to remove.

How ironic if they have to remove drug education, as an example, when this Liberal government goes flying around the province on its white charger telling everybody that it is going to be the solution for everything and that it is certainly going to introduce better educational programs on the hazards of drugs. Here we are

going to have police forces, which are the enforcers of whatever the government policies are, being faced with the cost of collecting that at the local level.

The municipal police authority is concerned that to comply with Bill 187, many police forces in Ontario will have to consider removing officers from the street and placing them in the courts instead. They are concerned the bill will make police forces into baby-sitters and take them away from the more serious responsibilities such as crime prevention, drug squads and criminal intelligence, despite the Solicitor General's constant reminding of the need to reinstate community-based policing, the need to provide more RIDE programs and the need to combat the drug epidemic.

Most of the police forces argue that the province is responsible for court security, that under common law, the security of a building is the responsibility of the owner. Therefore, because the province owns the courthouses, it should pay for their security.

The police also argue that Bill 187, by involving police in the court process, makes the public think the police are associated with the judiciary. Some police forces argue that making professional, sworn police officers rather than special constables or civilians responsible for routine security duties in the courts is like having physicians change soiled linen on hospital beds or having lawyers handle janitorial duties.

1750

It is a sad story. It is a continuing commentary. Unfortunately, as I said at the outset, it all falls on the backs of the taxpayers of this province. It is yet one more piece of legislation without consultation. How ironic that the Liberal government is the one that campaigned around this province in the summer of 1987 on its being the first world-class government that would have no walls, no bars, no restrictions. Would it not be wonderful if, instead of campaigning falsely, the people who campaigned as the Liberal government and made the kind of promises that they made actually fulfilled even one of those promises?

Instead of that, we have more and more legislation, which in fact says to the public and the people who are responsible for the public—in this case, municipalities and police forces around this province—"We don't care what you think. We don't need to discuss this with you before we introduce it as legislation because we, the Liberal government, are so perfect that we know what the province of Ontario needs. We know that the

municipalities have lots of money. The taxpayers in those municipalities can afford the added tax burdens through their property taxes to pay for anything we introduce."

The fact is that if this was a responsible Liberal government, it would talk to the people who are involved first; but we do not see that. We certainly hope that through the direction and argument of the two opposition parties at least this legislation will go to committee and at least in committee we will get input from the people who are involved and they will be able to help us make amendments that might make this legislation a little more palatable and a little more workable and perhaps have a little less financial impact on the people who pay for all these outrageous Liberal government programs.

**Mr. Speaker:** Are there any comments or questions on the comments by the member for Mississauga South? If not, are there any other members wishing to participate in the debate? The member for Carleton.

**Mr. Furlong:** You spoke already. This is the second time.

**Mr. Sterling:** No. This is the first time.

**Mr. Ballinger:** See if you can remember what bill it is, Norm.

**Mr. Sterling:** I thought that the member for Mississauga South was going to go on at further length, therefore I am going to have to retrieve my file.

**Mr. Furlong:** Move it. It is almost six o'clock. You are going to be more than six minutes.

**Mr. Sterling:** I am going to go more than six minutes, Mr. Speaker, and it being close to six and being Thursday evening, I am sure the government House leader will want to indicate to the rest of us the business for next week.

On motion by Mr. Sterling, the debate was adjourned.

**Hon. Mr. Conway:** It is becoming customary that the member for Carleton (Mr. Sterling) and I wind down these proceedings on a nightly basis after he reports on the very considerable achievements of his children, as they apparently outdo their father in daily activities.

**Mr. Villeneuve:** How about yours?

**Hon. Mr. Conway:** An unkind cut by my friend the member for Stormont, Dundas and Glengarry.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Conway:** Pursuant to standing order 13, I would like to indicate the business of the House for the coming week.



On Monday, January 16, we will consider the estimates of the Ministry of Housing.

On Tuesday, Wednesday and Thursday, we will consider the following: the adjourned debate on Bill 187, An Act to amend certain Acts as they relate to Police and Sheriffs. We will take the stacked vote that was set down earlier today for 5:45 p.m. on Tuesday. Following upon the adjourned debate of Bill 187 and the stacked vote that has been mentioned, we will also proceed—

Interjection.

**Hon. Mr. Conway:** I know it is a little complicated but when we stack a vote I want to make sure that everybody understands what we have done.

On Tuesday, Wednesday, and Thursday, we will consider the following: the adjourned debate of Bill 187, An Act to amend certain Acts as they relate to Police and Sheriffs; the second reading of Bill 149, An Act to amend the Trespass to Property Act; of Bill 169, An Act to amend the District Municipality of Muskoka Act; of Bill 192, An Act to amend the Municipal Act and certain other Acts related to Municipalities; of Bill 197, An Act to amend the Regional Municipality of Sudbury Act; of Bill 134, An Act to repeal certain Private Acts related to Municipalities, and of Bill 135, An Act to amend the Road Access Act.

We will then continue the second reading of Bill 194, An Act to restrict Smoking in Workplaces; of Bill 170, An Act to revise several Acts related to Aggregate Resources, and the adjourned debate on Bill 147, An Act respecting Independent Health Facilities.

I repeat: On Tuesday at 5:45 p.m. we will take the stacked vote on second reading of Bill 4, An Act to amend the Metropolitan Toronto Police Force Complaints Act.

However, if the standing committee on the administration of justice reports Bill 114, An Act to amend the Employment Standards Act, we will deal with its adoption, along with the adjourned debate on the adoption of the report regarding Bill 113, An Act to amend the Retail Business Holidays Act.

On Thursday morning, we will deal with private members' business standing in the names of Mr. Morin and Mr. Reyecraft.

I am reminded by my friend the Minister of Skills Development (Mr. Curling) that this afternoon this wonderful group of pages concludes its very productive stay with us. To all of them, on behalf of the members of the Legislature, I want to thank them for their diligence, their courtesy and their very good example. We

wish them well in their future academic and other endeavours.

**Mr. Speaker:** Pursuant to standing order 30(b), the question that this House now adjourn is deemed to have been made.

#### WORKERS' COMPENSATION

**Mr. Speaker:** The honourable member for Nickel Belt (Mr. Laughren) has given notice of dissatisfaction with the answer to a question given by the Minister of Labour (Mr. Sorbara). Under standing order 30(b), I will listen to the member for Nickel Belt for up to five minutes and a response by the Minister of Labour for up to five minutes.

**Mr. Laughren:** I asked the Speaker for this debate for a couple of reasons: first, because of just how outrageous this particular case was—it is not often I raise a particular compensation case in this chamber; second, because of the minister's answer, which indicated he did not know what he was talking about, and third, because of the ridiculous way in which the ridiculous act is administered by the ridiculous Workers' Compensation Board and apparently supported by this minister. It is absolutely ludicrous.

What happened is that a worker from Gogama named André Petitclerc was injured on the job. He came to my office and we helped him with the appeal process. We took the appeal process right through to the very end, right to the Workers' Compensation Appeals Tribunal, WCAT for short.

In October 1988, WCAT awarded Mr. Petitclerc his claim for chronic pain and a permanent disability pension. When WCAT made the findings, it noted the WCB's criteria for chronic pain, saying:

"The board defines chronic pain disorders as follows: 'Chronic pain is pain whose characteristics are compatible with a compensable injury except that it persists for six or more months beyond the usual healing time for the injury. Chronic pain disorder is the term used to describe the condition of a person whose chronic pain has resulted in marked life disruption.'"

When the WCAT made its ruling, it was after the July 30, 1987, date when the board began to accept chronic pain as compensable. It was not prior to the July 1987 date that is so important in those incredible minds of the people at the Workers' Compensation Board, and apparently in the mind of this minister as well.

That is what the WCAT said. Then, in January of this year, the injured worker got a letter—I received a copy—in which the adjudication

officer in Sudbury overruled the WCAT; the adjudication officer. I checked section 86n of the Workers' Compensation Act, in which it states, "Where a decision of the appeals tribunal turns upon an interpretation of the policy and general law of this act, the board of directors of the board may in its discretion review and determine the issue of interpretation of the policy...."

It says the board of directors of the board will determine if perhaps the decision of the WCAT should be reconsidered. This was not a case of the board of directors of the compensation board determining that WCAT's decision should be reconsidered. It was an adjudication officer in Sudbury at the regional office making that determination. Who is setting the rules around this place?

1800

I am upset by the fact that section 86n is even in the act, which allows the Workers' Compensation Appeals Tribunal decisions to be overruled by the Workers' Compensation Board. We can talk about a denial of justice when the very same people who have made the decision that has now been challenged and overruled by an independent tribunal then have the right to go back and say: "You're wrong. We don't care how independent you are. We have the final say," treating the injured worker like a ping-pong ball back and forth between the appeals tribunal and the Workers' Compensation Board.

I want to hear the minister stand in his place today and say that an adjudication officer in Sudbury or any other regional office, or at the office here on Bloor Street in Toronto, has the right to overturn a decision of the Workers' Compensation Appeals Tribunal. I want to hear the minister either stand in his place and say that or apologize to this place and to the injured worker, Mr. Petitcherc in Gogama, for the way he has been treated by the Workers' Compensation Board.

What this man has been put through since 1983 is indescribable. It is inhumane and I want to tell the minister that if he gets satisfaction out of these kinds of decisions, he should be picking the wings off flies and not administering the Workers' Compensation Act in Ontario. I will not talk about what he has done to this injured worker in this chamber, but what he has done to him is absolutely and fundamentally obscene.

The minister stood in his place the other day and said, "Well, that is the way the system works." When my leader brought in a private member's bill saying section 86n should be repealed so that the independent tribunal would

have the final say, what did the minister say? No, he would not accept that.

Mr. Speaker, I rest my case.

**Hon. Mr. Sorbara:** I am glad the member for Nickel Belt is resting his case, because it is one of the few times in this House that I have seen him so distort the comments of another member, be that member a minister or some other member of the House. I did not say any of the things he has suggested I said yesterday. What I said to him yesterday and what I will repeat today is that a regional office does not have the authority to overturn a decision of the Workers' Compensation Appeals Tribunal.

**Mr. Laughren:** You just did.

**Hon. Mr. Sorbara:** My friend the member for Nickel Belt reiterates, once again, that I did. I said specifically yesterday there is no authority under the act for a regional office or anyone else to overturn a decision of the Workers' Compensation Appeals Tribunal. I said to him then and I say to him now that the only authority to overturn a decision of the Workers' Compensation Appeals Tribunal resides with the corporate board of the WCB under the authority of section 86n.

**Mr. Laughren:** Yes, I did that. I just told you that.

**Hon. Mr. Sorbara:** Well, yesterday, he suggested to me that is what has happened and I think what I said to him is that there is no authority for that to happen. What I said to him as well, and I think we could check Hansard, is that I was not familiar with the details of that case and I would look into the details of that case and give him further details if it was appropriate to do so. I can now tell him that I have looked into this case and report as follows.

The board is proceeding with an 86n review of the chronic pain retroactivity issues and therefore implementation of that portion of the decision relating to benefits prior to July 3, 1987, will be stayed by the board, not by the regional office, under section 86n, pending the outcome of the 86n review.

In addition, I want to put on the record the following. That portion of the decision directing that a permanent disability award be considered will be implemented forthwith. A pension assessment appointment for the particular claimant is presently being arranged to assess the degree of residual impairment resulting from the worker's chronic pain disability.

I am glad the member has raised the case. I am confident that with his assistance, justice will be done in that case. Only that portion of the award



that is subject to the current review of retroactivity under chronic pain will be stayed. All the rest of the award will be implemented and an assessment will be done.

**Mr. Laughren:** That's not what the letter said.

**Hon. Mr. Sorbara:** The member says to me that that is not what the letter said. If that is not what the letter said, then the letter is wrong.

**Mr. Laughren:** Well, it was sent to you yesterday.

**Hon. Mr. Sorbara:** I am sorry to say that I do not have the letter.

I think it is regrettable that somehow during this late show, as we call it, the member for Nickel Belt is trying to suggest to this House and this province that somehow the Minister of Labour is responsible for the administration of the Workers' Compensation Board, because he knows that is not the case; that somehow I was tolerating, indeed promoting the notion that an

injustice should be done with respect to Mr. Petitcher's case.

I am confident that the board will act only under the authority it has and stay only that portion of the decision relating to the period before July 3, 1987; that a pension assessment will be done, and that the appropriate pension will be awarded.

I know the member for Nickel Belt takes all the workers' compensation cases that he handles in his office very seriously. I understand him when he says this was a particularly difficult case and it is for that reason that he has raised it in the House.

I think we have a resolution of this problem. But to suggest that, based on my comments yesterday, somehow I was promoting and advocating an injustice and that somehow I was suggesting that the Sudbury office did have that authority is incorrect and should be corrected. I am glad that he has asked for this time, because I think we have now corrected the record.

The House adjourned at 6:07 p.m.

## ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

## SOCIAL ASSISTANCE REVIEW BOARD

**391. Mr. Allen:** Would the Minister of Community and Social Services inform the House of the following: (1) the number of appeals to the Social Assistance Review Board under the Family Benefits Act in the years 1983, 1984, 1985, 1986, 1987 and thus far in 1988; (2) the number of appellants to the Social Assistance

Review Board in each of those years, by year, who made application for interim relief; (3) the number of applications for interim relief in each of those years which were granted; (4) and the amount of the relief granted in an average weekly amount, by category of appeal? [Tabled November 9, 1988]

**Hon. Mr. Sweeney:** Answer: (1)

Fiscal year	Total number of appeals received	Number of appeals under FBA	Percentage of total appeals
1983-84	5,386	2,915	54.1
1984-85	5,792	3,268	56.4
1985-86	4,833	2,899	60.0
1986-87	4,385	2,813	64.1
1987-88	4,078	2,507	61.4
April 1, 1988–November 30, 1988	2,736	1,634	59.7
Total*	<u>27,210</u>	<u>16,036</u>	<u>58.9</u>

\*April 1, 1983, to November 30, 1988

(2)

Fiscal year	Number of interim assistance requests processed
1983-84	734
1984-85	1,079
1985-86	1,045
1986-87	864
1987-88	1,267
April 1, 1988–November 30, 1988	896
Total*	<u>5,885</u>

\*April 1, 1983, to November 30, 1988

(3)

Fiscal year	Number of requests for interim relief which were granted	Number of requests for interim relief which were denied	Total number of requests
1983-84	545 (74.3%)	189 (25.7%)	734
1984-85	717 (66.5%)	363 (33.5%)	1,079
1985-86	661 (63.3%)	384 (36.7%)	1,045
1986-87	490 (56.7%)	374 (43.3%)	864
1987-88	787 (62.1%)	480 (37.9%)	1,267
April 1, 1988–November 30, 1988	529 (59.0%)	367 (41.0%)	896
Total*	<u>3,729 (63.4%)</u>	<u>2,156 (36.6%)</u>	<u>5,885</u>

\*April 1, 1983, to November 30, 1988



(4) This information is retained by individual municipalities rather than by the Social Assistance Review Board. It would constitute an unreasonable expense for the ministry to collect the requested statistics from individual municipalities.

**392. Mr. Allen:** Would the Minister of Community and Social Services inform the House of the following: (1) the number of reconsiderations of Social Assistance Review Board decisions under the Family Benefits Act in

the years 1983, 1984, 1985, 1986, 1987 and thus far in 1988; (2) the number of applications for interim relief to the Social Assistance Review Board in each of those years, by year, from those awaiting a reconsideration; (3) the number of such applications for interim relief in each of those years which were granted; (4) and the amount of the relief granted in an average weekly amount, by category of appeal? [Tabled November 9, 1988]

**Hon. Mr. Sweeney:** Answer: (1)

Fiscal year	Total number of reconsiderations	Number of reconsiderations under the Family Benefits Act		Percentage of total number
1983-84	172	101		58.7
1984-85	219	160		73.0
1985-86	145	111		76.5
1986-87	186	146		78.5
1987-88	183	135		73.8
April 1, 1988–November 30, 1988	66	43		65.1
Total*	<u>971</u>	<u>696</u>		<u>71.7</u>

\*April 1, 1983, to November 30, 1988

(2) Although the number of requests for interim assistance from these people awaiting a reconsideration averages approximately 10 per year, the Social Assistance Review Board does not keep annual statistics which specifically correlate applications for interim assistance and reconsiderations. It would constitute an unreasonable expense for the ministry to collect and correlate this information.

(3) As noted in (2) above, the Social Assistance Review Board does not keep annual statistics correlating applications for interim assistance and reconsiderations, and it would constitute an unreasonable expense for the ministry to collect and correlate this information.

(4) The requested information is retained by individual municipalities rather than by the Social Assistance Review Board. It would constitute an unreasonable expense for the ministry to collect the required statistics from individual municipalities.

**393. Mr. Allen:** Would the Minister of Community and Social Services inform the

House of the following: (1) the number of appeals to Divisional Court taken by the ministry from decisions of the Social Assistance Review Board under the Family Benefits Act in the years 1983, 1984, 1985, 1986, 1987 and thus far in 1988; (2) the number of applications for interim relief to the Social Assistance Review Board in each of those years, by year, from those awaiting the decision of the Divisional Court on such an appeal; (3) the number of such applications for interim relief in each of those years which were granted; (4) and the amount of the relief granted in an average weekly amount, by category of appeal? [Tabled November 9, 1988]

**Hon. Mr. Sweeney:** (1) The ministry is unable to provide a breakdown of the number of appeals by appellant/ministry by legislation, as this information is not available. The following figures include appeals under the Family Benefits Act as well as those under the General Welfare Assistance Act and the Vocational Rehabilitation Services Act.

Fiscal year	Appeals opened
1983-84	45
1984-85	41
1985-86	38
1986-87	46
1987-88	34
April 1, 1988–November 30, 1988	10
Total*	<u>214</u>

\*April 1, 1983, to November 30, 1988

(2) to (4) The ministry is unable to provide a response for parts (2) to (4) of question 393 since appellants are not eligible for interim assistance while awaiting the decision of the Divisional Court on appeal.

**394. Mr. Allen:** Would the Minister of Community and Social Services inform the House in what percentage of cases did the Ontario Divisional Court reverse the decision of the Social Assistance Review Board appealed from by the ministry in the years 1983 through 1987 and to date in 1988? [Tabled November 9, 1988]

**Hon. Mr. Sweeney:** The ministry is unable to provide a complete answer to question 394. Prior to the establishment of a legal unit at the Social Assistance Review Board in April 1988, the board did not retain statistics on decisions of the Divisional Court with respect to ministry appeals of decisions of the Social Assistance Review Board.

The requested information is only available from April 1988 to date. During this time, no appeals initiated by the ministry have been heard

by the Divisional Court. It would constitute an unreasonable expense for the ministry to research the requested statistics from 1983 to April 1988.

## RESPONSE TO PETITION

### SCHOOL BUSES

Sessional paper P-38, re school buses.

**Hon. Mr. Fulton:** For a schoolchild, school bus travel is the safest form of land transportation available. In the 1986-87 school year, approximately 137 million trips were made by pupils to and from school. During this time, 159 pupils were injured within a school vehicle as a result of a motor vehicle accident, with at least half the injuries not requiring medical treatment.

Post-1981 school buses are currently built with most effective passive occupant protection; however, Transport Canada, which has federal jurisdiction over equipping of new vehicles, has continued to test other types of protection, including seatbelts, to find the most beneficial method of further reducing injuries. These tests indicated that in a frontal collision, lap-only seatbelts in a school bus had the potential to cause severe head and neck injuries. Their latest testing has been of rear-facing seats with lap belts, seen as the best configuration, and the results are not yet available.

Nothing in the Highway Traffic Act prevents installation of seatbelts in school buses, and once installed, the act requires their use by all passengers. However, while research is still being developed to find a safer, cost-effective occupant restraint system, the ministry would not mandate seatbelt legislation.



## ALPHABETICAL LIST OF MEMBERS\*

(130 seats)

First Session, 34th Parliament

**Lieutenant Governor: Hon. Lincoln M. Alexander, PC, QC**

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 Allen, Richard (Hamilton West NDP)  
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 Beer, Charles (York North L)  
 Black, Kenneth H. (Muskoka-Georgian Bay L)  
 Bossy, Maurice L. (Chatham-Kent L)  
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 Breaugh, Michael J. (Oshawa NDP)  
 Brown, Michael A. (Algoma-Manitoulin L)  
 Bryden, Marion (Beaches-Woodbine NDP)  
 Callahan, Robert V. (Brampton South L)  
 Campbell, Sterling (Sudbury L)  
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 Charlton, Brian A. (Hamilton Mountain NDP)  
 Chiarelli, Robert (Ottawa West L)  
 Cleary, John C. (Cornwall L)  
 Collins, Shirley (Wentworth East L)  
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 Cureatz, Sam L. (Durham East PC)  
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 Daigeler, Hans (Nepean L)  
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 Eves, Ernie L. (Parry Sound PC)  
 Farnan, Michael (Cambridge NDP)  
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 Fawcett, Joan M. (Northumberland L)  
 Ferraro, Rick E. (Guelph L)  
 Fleet, David (High Park-Swansea L)  
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**Fulton, Hon. Ed**, Minister of Transportation (Scarborough East L)  
 Furlong, Allan W. (Durham Centre L)  
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 Johnson, Jack (Wellington PC)  
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 Kormos, Peter (Welland-Thorold NDP)  
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 LeBourdais, Linda (Etobicoke West L)  
 Leone, Laureano (Downsview L)  
 Lipsett, Ron (Grey L)  
 Lupusella, Tony (Dovercourt L)  
 MacDonald, Keith (Prince Edward-Lennox L)  
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 Martel, Shelley (Sudbury East NDP)  
 Matrundola, Gino (Willowdale L)  
 McCague, George R. (Simcoe West PC)  
 McClelland, Carman (Brampton North L)  
 McGuigan, James F. (Essex-Kent L)  
 McGuinty, Dalton J. (Ottawa South L)  
 McLean, Allan K. (Simcoe East PC)  
**McLeod, Hon. Lyn**, Minister of Colleges and Universities (Fort William L)  
 Miclash, Frank (Kenora L)

Miller, Gordon I. (Norfolk L)  
 Morin, Gilles E. (Carleton East L)  
 Morin-Strom, Karl E. (Sault Ste. Marie NDP)  
 Neumann, David E. (Brantford L)  
 Nicholas, Cindy (Scarborough Centre L)  
 Nixon, J. Bradford (York Mills L)  
**Nixon, Hon. Robert F.**, Deputy Premier,  
 Treasurer of Ontario and Minister of Eco-  
 nomics and Minister of Financial Institutions  
 (Brant-Haldimand L)  
**Oddie Munro, Hon. Lily**, Minister of Culture  
 and Communications (Hamilton Centre L)  
 Offer, Steven (Mississauga North L)  
**O'Neil, Hon. Hugh P.**, Minister of Tourism and  
 Recreation (Quinte L)  
 O'Neill, Yvonne (Ottawa-Rideau L)  
 Owen, Bruce (Simcoe Centre L)  
**Patten, Hon. Richard**, Minister of Government  
 Services (Ottawa Centre L)  
 Pelissero, Harry E. (Lincoln L)  
**Peterson, Hon. David R.**, Premier and Presi-  
 dent of the Council and Minister of Inter-  
 governmental Affairs (London Centre L)  
 Philip, Ed (Etobicoke-Rexdale NDP)  
**Phillips, Hon. Gerry**, Minister of Citizenship  
 (Scarborough-Agincourt L)  
 Poirier, Jean, Deputy Speaker and Chairman of  
 the Committees of the Whole House (Prescott  
 and Russell L)  
 Pollock, Jim (Hastings-Peterborough PC)  
 Polsinelli, Claudio (Yorkview L)  
 Poole, Dianne (Eglinton L)  
 Pope, Alan W. (Cochrane South PC)  
 Pouliot, Gilles (Lake Nipigon NDP)  
 Rae, Bob (York South NDP)  
**Ramsay, Hon. David**, Minister of Correctional  
 Services (Timiskaming L)  
 Ray, Michael C., Deputy Chairman of the  
 Committees of the Whole House (Windsor-  
 Walkerville L)  
 Reville, David (Riverdale NDP)  
 Reycraft, Douglas R. (Middlesex L)

**Riddell, Hon. Jack**, Minister of Agriculture and  
 Food (Huron L)  
 Roberts, Marietta L. D. (Elgin L)  
 Runciman, Robert W. (Leeds-Grenville PC)  
 Ruprecht, Tony (Parkdale L)  
**Scott, Hon. Ian G.**, Attorney General  
 (St. George-St. David L)  
 Smith, David W. (Lambton L)  
**Smith, Hon. E. Joan**, Solicitor General  
 (London South L)  
 Sola, John (Mississauga East L)  
**Sorbara, Hon. Gregory S.**, Minister of Labour  
 (York Centre L)  
 South, Larry (Frontenac-Addington L)  
 Sterling, Norman W. (Carleton PC)  
 Stoner, Norah (Durham West L)  
 Sullivan, Barbara (Halton Centre L)  
**Sweeney, Hon. John**, Minister of Community  
 and Social Services (Kitchener-Wilmot L)  
 Tatham, Charlie (Oxford L)  
 Velshi, Murad (Don Mills L)  
 Villeneuve, Noble (Stormont, Dundas and Glen-  
 garry PC)  
**Ward, Hon. Christopher C.**, Minister of  
 Education (Wentworth North L)  
 Wildman, Bud (Algoma NDP)  
**Wilson, Hon. Mavis**, Minister without Portfolio  
 (Dufferin-Peel L)  
 Wiseman, Douglas J. (Lanark-Renfrew PC)  
**Wong, Hon. Robert C.**, Minister of Energy  
 (Fort York L)  
**Wrye, Hon. William**, Minister of Consumer and  
 Commercial Relations (Windsor-Sandwich L)

\*The alphabetical list of members appears in each issue. Lists of the members of the executive council, parliamentary assistants and members of committees, brought up to date as necessary, are published in Hansard in the first and last issues of each session and on the first sitting day of each month.



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